

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA

PASSED AT THE
ORGANIZATIONAL SESSION 1983
SPECIAL SESSIONS 1983
REGULAR SESSIONS 1983

VOL. I



GEORGE C. WALLACE, Governor
WILLIAM J. BAXLEY, Lieutenant Governor
JOHN A. TEAGUE, President Pro-Tem of the Senate
TOM DRAKE, Speaker of the House
ROY JOHNSON, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1983 Organizational Session, Regular Session and Special Sessions of the Legislature of Alabama and is the official publication of such acts.

Don Siegelman
Secretary of State

Hammurabi, the King of Babylon, initiated a practice some 4000 years ago which has become a cornerstone of democratic government—a written code of laws. This ancient concept of the public's right to know is acknowledged and protected by the "due process clause" of the Fourteenth Amendment of the United States Constitution, the Alabama Constitution, and the Code of Alabama, which require that Alabama's laws be published and made available to the public.

However, because the laws are available to the public does not necessarily mean that they are accessible. It is said that one of the hateful acts of the ill-famed Roman Emperor Caligula was that of having the laws inscribed on a pillar so high that the people could not read them. In an effort to lower the "pillar" a tiny notch, and thereby make our laws slightly more accessible for those who are regular users of the Alabama Acts, a new numbering system was initiated in the 1979 session.

Under this system, every act of the Legislature, regardless of the type of session in which it was enacted, is numbered sequentially in the order received by the Secretary of State. Numbering begins at the commencement of each calendar year and incorporates a two-digit prefix corresponding to the last two digits of the year of enactment. For example, the first act received from the Governor in 1983 is designated as Alabama Act 83-1, the second act is 83-2, and so forth.

People behind the scenes who made publication of these volumes possible include: McDowell Lee, Secretary of the Senate; John Pemberton, Clerk of the House of Representatives; Ann Worthington and Meredith Graves, enrolling and engrossing clerks; Dodie Pappanastos and Helen Thorington, technical proofreaders; Louis Green, Director of the Legislative Reference Service; and, Edna Erie Young of the Secretary of State's office.

Suggestions regarding the organization, publication and distribution of these acts are welcomed.

Don Siegelman
Secretary of State

GOVERNOR GEORGE C. WALLACE
BEFORE THE
1983 ALABAMA LEGISLATURE
JOINT SESSION
APRIL 19, 1983

Thank you Mr. President, Lt. Governor Bill Baxley, and Speaker Tom Drake, Members of this Session of the Legislature, and my fellow Alabamians. I want to first thank you for the many prayers that you have rendered for me during the time that I was hospitalized. I want to say, in the first place, also, that during the time that I have been Governor, I have had more people seeking employment with the state than anytime during the many other years that I have served as Governor.

I am sorry to announce that there are no jobs at this moment with the State of Alabama. I don't think there are with any state in the union, at this time. So, to those who are trying to acquire jobs, I regret we do not have any with the state, and I want to say there are some very nice improvements in new and expanded industry during the last three months. We have announced over 20 industries who will hire 2,000 employees and there are about six cities that are going to be announcing in the near future which will amount to a couple of thousand more employees in Alabama.

So, things are getting better to some extent for those that are finding employment that were not employed for a long time. So, we do have hope. There is no need for the people of this state and for this legislature to give up hope because, there is hope. I know. I am a prime example of hope and I have hope and the people of Alabama have hope. (Applause)

Yet, to those who haven't found employment, we still have, as I said in my Inaugural Address, and the first speech I made to the first legislative session, we have a human tragedy in this state because there are people today who are starving and are hungry. People who are disillusioned and despondent. We hear from them. I have seen them, maybe more than any person in the State of Alabama has ever seen them. But, I know it exists and yet we have found today with this human tragedy in Alabama and the other parts of our nation as a result of unemployment there are those who dropped from low-middle income almost abruptly into the abject poverty class in Alabama.

This, of course, is not the easy drop and slow drop of thousands of years as in other countries. It came very sudden to our people in Alabama. Nearly three-quarters of a million people are involved who

lost their jobs and their dependents who are today in abject poverty. There are those who are there because this recession came about which is a national and international recession.

But, things are going to get better. In spite of the human tragedy we find in this country and in Alabama, you don't find anyone from South America, Central America or any other part of the world trying to go to Russia or Cuba. They are all trying to come to the United States—in spite of the fact that we have all of these problems.

So, I would say to the people of this state—that in itself ought to give you hope that those who want to go away from their own countries do not want to go anyplace but here in the United States of America.

But, I do want to say in dealing with this human tragedy, as I spoke to you, my friends, on Inaugural Day, and also to the session of the legislature assembled on February 4, I have been very disappointed with the churches in Alabama. I have been very disappointed at the reception of this request for the people to try to give more money to those agencies who are trying to ease human suffering in Alabama. We have not responded and I am sorry that this has happened. And, I would like to call on the churches now. As I have said many times, the two major faiths in Alabama are Jewish and Christian. The Judeo-Christian concept and ethic, which both religions advocate stresses caring for the wretched and poor. I belong to the Christian Faith. Jesus Christ said that “as you have done it unto one of the least of these, you have done it unto me.” Therefore, I do hope the people who are listening tonight might decide they are going to help more than they have helped the Red Cross, the Salvation Army and the United Way, the church charitable organizations, because people have not responded as they ought to respond and I think we ought to think very seriously about this, including myself, and all of you who are assembled here tonight.

I also want to say that you have got to run again, of course. That's another one of these Federal Court decisions and I said years ago when some of you were not even born that some day the Federal Judiciary was going to destroy this Republic. (Applause) All the big newspapers said he wants to get out of the Union. Well, it looks like everybody wants to get out of the Union now because those who criticized me in those days are now the critics of the Federal Government themselves. But, it is a shame and disgrace that you have to run again for several reasons.

We've been working together in the Executive and Legislative Branches of state government because people have come to the conclusion in the last administration and the administration before that

and back when the House and the Senate fought each other, and different officials fought each other that they are through with that. They don't want that. They want us to declare war on poverty and unemployment and humanitarian matters and quit fighting among each other. Therefore, I thank you, the Legislative Branch, for having cooperated with the Executive Branch in the two previous sessions that we have had. (Applause)

Yes, we work together and I want to applaud you, the Lieutenant Governor and the Speaker of the House, and all of you House and Senate members for your cooperation with the Executive Branch in trying to meet and solve these problems if we can. But, you've only been here about four or five weeks in session and therefore there is very little you can do.

I will say that the 3 to 5 million dollars that is going to be spent by this unconscionable court order is going to take money away from those who are hungry and poor and destitute. That 3 to 5 million dollars could match 30 or 40 million dollars of medicaid and also the matter for the elderly, handicapped, blind and people who are suffering. But, we have got to spend it on election after election which makes no common sense at all. The Federal Court System—the most dignified think that I used to say about it back when I was running for the Presidency was they didn't have enough legal brains in the Warren Court to try a chicken thief in Barbour County, Alabama. (Applause)

We also are finding they are now overruling some of these decisions such as The Court of Appeals in the Mental Health Matter. On the recent decision on the mass release of prisoners, the Supreme Court said "what in the world are you doing down in Alabama—what are you district courts doing" in mass releasing the prisoners. And, therefore, we are beginning to see some trend come back towards sanity among the federal court system and I hope that it goes at a rapid pace.

I also want to say to you tonight that I recommend this:

I recommend biennial sessions instead of annual sessions. Let's meet every two years instead of one year. And, if you will submit a constitutional amendment to the people of Alabama, they will ratify it. Alabama is not big enough to have the legislature meeting every year, all the time. We can save approximately 6 million dollars if you will submit that to the people and they will ratify it. That 6 million dollars will match 40 million dollars of medicaid funds from the Federal Government to go to those who are destitute, and elderly and wretched and poor. (Applause) I ask you to submit that.

As far as the budget is concerned, I would like to point out that

we are going to recommend in our budget most of the report by the Unified Committee on Education. In order to fund education, the same appropriation as this year, we will need some additional dollars. These dollars will come from accelerating some of the revenue sources and are not new taxes.

Included in my recommendations are 200 new kindergarten units, we hope to phase in over a four year period 800, \$48 per teacher unit for health insurance, additional funding for the local school boards and for the state department of education, and all of higher education will receive more funding.

In the general fund, we recommend the same money as this year except, because of one time money this year, it will be necessary to have a few measures to enhance the general fund for next year. These enhancement measures are not consumer taxes regardless of what you press might think.

My interest and my concern is that the humanitarian programs be adequately funded: Medicaid, Pensions and Security, the blind, crippled, handicapped and elderly, the Mental Health, the State Police, and the Home Bound Program which cares for those who are homebound and cannot get out of bed—such as quadraplegics and others. We are the only state in the union that has that particular law, at this time.

My friends, on the crime package, I am presenting you a package of more than 20 bills in this administration's effort to get a handle on crime and to give some consideration to the victims of crime and to the law abiding citizens of this state. To mention just a few of these bills, the package will include victim legislation which allows victims to be included at all levels of criminal trials and prosecution and to be present during youthful offender hearings. A tough pornography law which has been upheld as constitutional in other states. Legislation to limit severely the defense of insanity and to require court action before release of the criminally insane. Allow for adult treatment of certain offenders who had previously benefitted from juvenile treatment. And, lowering the juvenile age to 16 in certain cases. Laws that prohibit certain classes of dangerous and violent criminals from being released on work release and also making escape from work release a felony.

New and much tougher drunk driving laws in Alabama (Applause) and laws to allow the jailing of certain criminals after they have been convicted and while they are waiting appeal.

Tougher laws to deal with drug dealers and those who traffic in drugs.

My friends, on the highway matter, I would like to say that we

have all the funds necessary, this year, to match the federal funds that are available. On top of that, we acquired 46 million, 600 thousand extra dollars (46,600,000.00) from other states who had turned that money back and we are using our interstate system during this year and the contract is to be let this year.

I also, in getting ready to come to a conclusion, I think we have covered most everything at the present time, will again call upon those people who need to respond to this matter of humanitarian care for those who are needy and unemployed, especially in Alabama. There is much suffering, yet, going on in this state and if you only served in the Governor's Office one week, you'd find more appeals have come to us as a matter of hardship, real tough cases involving humanitarian and help for the aged, blind and crippled and those who have lost their insurance, more in three months than I received in all the years combined as Governor of Alabama. Now, that's the situation that does exist but there is hope and things are going to get better.

But, I want to say we still have those we ought to look after and I hope the people of this state will respond more than they have done in the past.

I, again, want to thank Lieutenant Governor Baxley, Speaker Drake and all of you in this Legislature for your cooperation as I have said a moment ago, they want us to declare war on the things that are affecting the people of this state and try to join together and work together, all phases of government, and stop this fighting among ourselves and among different branches of the state legislature. If there is anything that has been proved in the election contests in the last several years, it has been that the people are tired of that. I can assure that they are tired of it.

I know that I want to again thank you for your cooperation and I'm very sorry that you are having to run again and cost this extra money that could be used to help so many people that ought to be helped.

I might add also as I said in my Inaugural Address, a state or a nation, who forgets its poor, will soon lose its soul.

So, I am very concerned about these particular matters and I want to tell you fellow Alabamians that we should have faith and hope. As I said a moment ago, I am one that knows what I am talking about because hope is there and hope can be used and there is more hope yet to come in the economy of this state and this country. And, I don't believe the Lord is going to let this nation go down the drain and not let us fail if we do not fail Him.

So my friends, here tonight, I have a pretty brief speech. I was

going to make a better one, but the Federal Courts messed that up again (Applause) but I would like to say to all of you and to all Alabamians, may God bless us all. Thank you very much. (Applause)

ALABAMA LAWS
And Joint Resolutions
ORGANIZATIONAL SESSION 1983

Act No. 83-1

H.J.R.—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House of Representatives, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet again on Wednesday, January 12, 1983, at 11 A.M.

AND BE IT FURTHER RESOLVED that the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives at 11:30 A.M. January 12, 1983, for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the general election held on November 2, 1982, as required by the Section 115 of the Constitution of Alabama.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-2

S.J.R. 9—Senator deGraffenried

SENATE JOINT RESOLUTION

CREATING A JOINT INTERIM COMMITTEE OF THE LEGISLATURE ON STATE CONSTITUTIONAL REVISION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study any and all aspects of the State Constitution and its revision, in whole or in part, and to prepare drafts therefor for introduction and consideration by the legislature. The committee shall be composed of 14 members as follows: Seven members of the Senate appointed by the Lieutenant Governor, and seven members of the House of Representatives appointed by the Speaker. The Committee shall elect a chairman and a co-chairman of the committee from among its members. The chairman or co-chairman shall preside over the meetings of the committee. The committee shall meet upon the call of its chairman or upon the written request of seven or more members.

The committee shall study any and all aspects of the State Con-

stitution and shall prepare drafts therefor for introduction and shall report its findings, comments and suggestions to the legislature on the first legislative day of the next regular session or at any special session, called for the purpose of revising in whole or in part the Constitution, of the legislature.

The members of the committee shall be paid the same compensation and expenses that they receive while in legislative session upon approval of the chairman and warrant issued according to law. Provided, however, said members shall not be paid for days on which they otherwise receive legislative pay. The payment of all compensation and expenses under this resolution shall be paid from funds appropriated to the use of the Legislature.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-3

S.J.R. 28—Senator Teague

SENATE JOINT RESOLUTION

EXPRESSING THE LEGISLATURE'S INTENT THAT THE RETIREMENT SYSTEMS OF ALABAMA BE CONSIDERED PUBLIC CORPORATIONS.

WHEREAS, The Supreme Court of Alabama on September 17, 1982, ruled that the Retirement Systems of Alabama were not public corporations, and

WHEREAS, in issuing its ruling the Court attempted to determine legislative intent and based its ruling upon legislative intent, and

WHEREAS, the Court ruling has raised serious questions regarding the legality of the Retirement Systems' approximately \$3 billion in investments in light of the prohibitions contained in Section 93 of the Constitution of Alabama of 1901, against the state investing in corporate securities, and

WHEREAS, the Legislature intended to create, and has always considered, the Retirement Systems to be public corporations, with all the rights, duties, powers, and privileges of public corporations and in fact expressly stated in the creating legislation that the Retirement Systems "shall have the powers and privileges of a corporation," and

WHEREAS, the Retirement Systems has requested that the Supreme Court reconsider its opinion and to find the Retirement

Systems to be public corporations, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature hereby restates its belief that the Retirement Systems of Alabama were created as public corporations with all rights, powers, duties, and privileges thereof and expresses its intent that the Retirement Systems be considered public corporations with all the powers and privileges of a corporation, and

BE IT FURTHER RESOLVED, That the Retirement Systems of Alabama be provided a copy of this resolution.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-4

S.J.R. 29—Senators Parsons, Cooley,
Aldridge, Bailey,
Goodwin, Bishop, Little,
Bachus, Proctor, Hilliard,
Cabaniss, Boyington, and
Bedford

SENATE JOINT RESOLUTION

MEMORIALIZING THE UNITED STATES CONGRESS TO IMPLEMENT A PLAN OF RESTRUCTURING FEDERALLY INSURED MORTGAGES.

WHEREAS, The Alabama Legislature notes the massive level of unemployment that exists within the boundaries of our State; and

WHEREAS, Due to the massive unemployment, which is second highest in the nation, many individuals are finding it increasingly difficult to make ends meet, including making payments on existing mortgages; and

WHEREAS, The growing number of foreclosures on individual mortgages has reached the crisis stage; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we urgently request the U.S. Congress adopt and implement a plan whereby existing individual mortgages that are insured by the V.A., F.H.A., Farmer's Home Administration, or like federal agency, be restructured and refinanced to prevent further impending foreclosures.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to inform each of our state's U.S. Congressmen and

Senators, by copy of this resolution, of the Legislature's sentiments concerning this crucial situation.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-5

H.J.R. 5—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

CREATING A LEGISLATIVE PARKING COMMITTEE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That there is hereby created a joint committee to work with the Chief of Services, Department of Finance, in assigning parking places to members of the Legislature. Said committee shall consist of three members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the Presiding Officer of the Senate

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-6

H.J.R. 9—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

EXPRESSING THE LEGISLATURE'S INTENT THAT THE RETIREMENT SYSTEMS OF ALABAMA BE CONSIDERED PUBLIC CORPORATIONS.

WHEREAS, The Supreme Court of Alabama on September 17, 1982, ruled that the Retirement Systems of Alabama were not public corporations, and

WHEREAS, in issuing its ruling the Court attempted to determine legislative intent and based its ruling upon legislative intent, and

WHEREAS, the Court ruling has raised serious questions regarding the legality of the Retirement Systems' approximately \$3 billion in investments in light of the prohibitions contained in Section 93 of the Constitution of Alabama of 1901, against the state investing in corporate securities, and

WHEREAS, the Legislature intended to create, and has always considered, the Retirement Systems to be public corporations, with

all rights, duties, powers, and privileges of public corporations and in fact expressly stated in the creating legislation that the Retirement Systems "shall have the powers and privileges of a corporation," and

WHEREAS, the Retirement Systems has requested that the Supreme Court reconsider its opinion and to find the Retirement Systems to be public corporations, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature hereby restates its belief that the Retirement Systems of Alabama were created as public corporations with all rights, powers, duties, and privileges thereof and expresses its intent that the Retirement Systems be considered public corporations with all the powers and privileges of a corporation, and

BE IT FURTHER RESOLVED, That the Retirement Systems of Alabama be provided a copy of this resolution.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-7

H.J.R. 13—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the acts and journals of this organizational session be bound with the regular session or any special sessions in 1983.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-8

H.J.R. 14—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

EXTENDING WARM CONGRATULATIONS TO DR. WILLIAM GROVER SHAMBLIN OF TUSCALOOSA, ALABAMA, UPON THE OCCASION OF HIS 90TH BIRTHDAY.

WHEREAS, it is with utmost pleasure that the Alabama Legislature extends congratulations to Dr. William Grover Shamblyn of Tuscaloosa, Alabama, who celebrated his 90th birthday on January

10, 1983; and

WHEREAS, a native of Tuscaloosa, Dr. Shamblin is one of our State's oldest physicians, both in age and in length of practice with his entire active medical career spent in Tuscaloosa and West Alabama; and

WHEREAS, Dr. Shamblin, who also is one of the oldest living graduates of the University of Alabama, was honored on his birthday with a reception attended by family members, many personal friends and a number of well-wishers who extended congratulations to the honoree; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are pleased to join with the family and friends of Dr. William Grover Shamblin in extending congratulatory commendations to one of Alabama's and Tuscaloosa's most prominent physicians.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Dr. Shamblin that he and his family may be aware of our best wishes for many more years and success, good health and happiness.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-9

H.J.R. 15—Reps. Turnham, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (Al), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus,

Mitchell, Moore, Murphy,
 Nevett, Newman, Nicholson,
 Owens, Parker, Payne, Penry,
 Poole, Preuitt, Rains, Reed, Rice,
 Richardson, Rogers, Sasser,
 Scott, Seibels, Smith, Starkey,
 Starr, Stout, Thomas, Thornton,
 Trammell, Tucker, Turner,
 Venable, Waggoner, Warren,
 White (F), White (L), Williams,
 Wilson, Wright, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF REPRESENTATIVE WILLIAM DEARA EDWARDS OF FORT DEPOSIT, ALABAMA.

WHEREAS, it is with profound sorrow and in deep regret that the Legislature of Alabama notes the death of our longtime friend and colleague, Representative William Deara Edwards of Fort Deposit, Alabama, on August 27, 1982, at the age of 66 years; and

WHEREAS, a native of Elmore County, Representative Edwards attended the public schools of Lowndes County, Bob Jones University, and graduated from Auburn University with a Bachelor of Science degree; and

WHEREAS, following a career of some 20 years in the farm implement business, Mr. Edwards became a cattle farmer in 1958 with an extensive operation in his beloved Lowndes County; he was a past president of both the Lowndes County Farm Bureau and Cattlemen's Association; and

WHEREAS, Mr. Edwards first served in the Alabama Legislature from 1962 to 1966 as Lowndes County Representative; he returned in 1970, following an interim four years as Lowndes County Legislative Agent, and was subsequently twice re-elected to the House of Representatives; and

WHEREAS, during his legislative career, Representative Bill Edwards served on a number of important committees and not only in membership capacity but as chairman and vice chairman as well; in 1973, he was named to Who's Who in Politics in the South and Southwest, and his legislation to aid the blind was included in the Congressional Record; and

WHEREAS, Mr. Edwards additionally served for more than 20 years with the Selective Service System for which he received the Distinguished Service Award; he also was a Mason and a member of the Methodist Church which he served as Lay Speaker and as a

Sunday School teacher for more than two decades; and

WHEREAS, in the death of Mr. Edwards, the constituents of House District 83, as well as the entire citizenry of our State, have lost a dedicated public servant whose every effort was directed to the progress, good and well-being of his fellowman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of our good friend, Representative William D. "Bill" Edwards of Fort Deposit, Alabama, and extend our most heartfelt sympathy to his devoted wife of 43 years, Mrs. Virginia Spencer Edwards, and to their two sons, all of whom we also treasure as friends and to whom a copy of this resolution shall be sent.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-10

H.J.R. 16—Reps. White, (L), Turnham

HOUSE JOINT RESOLUTION

COMMENDING COACH BRYAN YATES OF TALLAPOOSA COUNTY'S NEW SITE HIGH SCHOOL.

WHEREAS, it is with utmost commendation that the Legislature of Alabama notes the remarkable career record of Coach Bryan Yates, current Head Basketball Coach at New Site High School in Tallapoosa County; and

WHEREAS, during Coach Yates' outstanding career which spans some 25 years—23 at New Site High School—he holds title to an enviable record of 503 victories with only two losing seasons during this quarter century time frame; and

WHEREAS, Coach Yates has directed his cager teams to the State 1A playoffs on four occasions with two of those teams advancing to the semi-finals; he also has had five county championship teams and five area championships to his credit as well; and

WHEREAS, after attaining his first win in 1956, Coach Yates reached win number 100 in 1961, advancing to 200, 300, 400 and 500 in 1967, 1971, 1975 and 1982 respectively, with a grand total of 503 career victories now in the record books; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Coach Bryan Yates of New Site High School, Tallapoosa County, on his outstandingly successful career as a high

school basketball coach.

BE IT FURTHER RESOLVED, That Coach Yates receive a copy of this resolution, tendered in sincere warm praise and regard.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-11

H.J.R. 17—Reps. White (L), Turnham

HOUSE JOINT RESOLUTION

CONGRATULATING THE DADEVILLE HIGH SCHOOL TIGERS ON THEIR OUTSTANDING 1982 FOOTBALL SEASON.

WHEREAS, the Legislature of Alabama heartily congratulates Dadeville High School on its outstanding '82 football season which ended with the Tigers as runner-up for the State 2A Championship; and

WHEREAS, as '81 Titlists, the Tigers this year again went all the way to the finals, playing a 14-game season with only three losses; this outstanding record was achieved in competition with a number of formidable opponents including both a 3A and a 4A team; and

WHEREAS, for Dadeville High School, it was a 338-total-point season against 128 for the opposition, including four fantastic shut-out games; and

WHEREAS, Dadeville High's remarkable season was achieved under the capable leadership of Head Coach Wayne Keahey and coaching staff members Jimmy Burson, Bruce Lowery and Carroll Gulledge, all of whom were together responsible for the Tigers' big winning season as was each and every member of the team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Dadeville High School Tigers as runner-up for the 1982 State 2A Football Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Keahey on behalf of his staff and the entire team, with a copy also provided for appropriate school display.

Approved January 31, 1983

Time: 3:50 P.M.

Act No. 83-12

H.J.R. 18—Rep. Wright

HOUSE JOINT RESOLUTION

COMMENDING ALABAMA NATIVE, MR. CHARLES WILLIAM (BUTCH) MOORE, JR., OF THE MILWAUKEE BREWERS.

WHEREAS, Mr. Charles William (Butch) Moore, Jr., Right Fielder with the Milwaukee Brewers, is a native of Forestdale, Alabama, and a graduate of Minor High School where he participated in the varsity football, basketball and baseball programs; and

WHEREAS, following graduation, Charlie (Butch) Moore signed with the Milwaukee Brewers to play first with Newark in the minors, followed sequentially by tenures with Class A Dansville, Indiana, AA Shreveport, Louisiana, and AAA Evansville, Indiana, teams; and

WHEREAS, in 1973, Mr. Moore moved up the the Majors as Right Fielder for the Brewers, the 1982 American League Champions and World Series participants who went all seven games before losing to the Saint Louis Cardinals; and

WHEREAS, Charlie Moore's phenomenal professional baseball career is an extraordinary success story of one of Alabama's most outstanding athletes, one who has indeed brought great credit to himself, his hometown and to the entire State of Alabama, as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mr. Charles William (Butch) Moore of the Milwaukee Brewers; we further extend warm congratulations for his accomplishments and direct that he receive a copy of this resolution in token of our sincere praise and regard.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-13

H.J.R. 19—Reps. Grouby, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Klikas, Coburn,

Coleman, Cosby, Crow, Davis,
 Drake, Drinkard, Dutton,
 Escott, Faulk, Flowers, Ford,
 Freeman, Gaston, Goodwin,
 Grimsley, Hall, Hammett,
 Harper, Harvey, Hettinger,
 Holley, Holmes, Horn, Howard,
 Johnson (Al), Johnson (R.G.),
 Johnson (Roy), Junkins,
 Kennedy, Kvalheim, Laird,
 Langford, Lauderdale, Layton,
 Lewis, McKee, McMillan,
 Manley, Martin, Mathis,
 Melton, Minus, Mitchell,
 Moore, Murphy, Nevett,
 Newman, Nicholson, Owens,
 Parker, Payne, Penry, Poole,
 Preuitt, Rains, Reed, Rice,
 Richardson, Rogers, Sasser,
 Scott, Seibels, Smith, Starkey,
 Starr, Stout, Thomas,
 Thornton, Trammell, Tucker,
 Turner, Venable, Waggoner,
 Warren, White (F), White (L),
 Williams, Wilson, Wright,
 Zoghby.

HOUSE JOINT RESOLUTION

HONORING REPRESENTATIVE PETE TURNHAM AS DEAN OF THE ALABAMA LEGISLATURE.

WHEREAS, it is a distinct honor and privilege for the members of this body to recognize our good friend and colleague, Mr. Pete Turnham of Auburn, Alabama, as Dean of the Alabama Legislature; and

WHEREAS, Representative Turnham's lengthy tenure dates from his 1959 election from Lee County to the House of Representatives for the 1959-63 term, whereupon he has been subsequently re-elected to six additional consecutive terms; and

WHEREAS, now beginning his 25th year, Representative Turnham stands alone among our present membership, both in length of service as well as in dutiful and dedicated representation of his constituents and the entire citizenry of Alabama; and

WHEREAS, Mr. Turnham, who has served on numerous important standing and interim committees, also has served as chairman

of the House Education Committee for 20 years; and

WHEREAS, a Chambers County native and a combat veteran of World War II, Representative Turnham is a graduate of Auburn University where he was awarded both bachelor's and master's degrees; he studied additionally while in military service at the University of Paris, also at Pennsylvania State College and was formerly a staff member of Auburn University, and is now owner of Alabama Contract sales; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express warm affection and regard for our good friend, Mr. Pete Turnham, and further hereby designate him as Dean of the Alabama Legislature.

BE IT FURTHER RESOLVED, That Mr. Turnham be presented with a copy of this resolution in token of friendship and our sincere best wishes.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-14

H.J.R. 20—Reps. Nicholson, Brakefield

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. CHARLES ENZER TWEEDY, JR.

WHEREAS, the Legislature of Alabama has noted that in November of 1982, Mr. and Mrs. Charles Enzer Tweedy, Jr., of Walker County, Alabama, celebrated their golden wedding anniversary; and

WHEREAS, Mr. and Mrs. Tweedy were joined in matrimony in November 1932 and have remained in said holy state for one-half century; and

WHEREAS, they have lived their lives as one, devoted to one another and to their family, remaining steadfastly faithful to their marriage vows and setting an enviable example for others to follow; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with their family, friends and fellow citizens who congratulated this exemplary couple of Walker County, Alabama, with a reception that was held on Friday, the 26th day of November, 1982.

BE IT FURTHER RESOLVED, That a copy of this resolution

be sent to Mr. and Mrs. Tweedy that they may know of our congratulations and of our warm wishes for many more happy years together.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-15

H.J.R. 21—Reps. Nicholson, Brakefield

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. CARL BURTON.

WHEREAS, the Legislature of Alabama has noted that in November of 1982, Mr. and Mrs. Carl Burton of Walker County, Alabama, celebrated their golden wedding anniversary; and

WHEREAS, Mr. and Mrs. Burton were joined in matrimony in November 1932 and have remained in said holy state for one-half century; and

WHEREAS, they have lived their lives as one, devoted to one another and to their family, remaining steadfastly faithful to their marriage vows and setting an enviable example for others to follow; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with their family, friends and fellow citizens who congratulated this exemplary couple of Walker County, Alabama, with a reception that was held on Sunday, the 21st day of November 1982.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Burton that they may know of our congratulations and of our warm wishes for many happy years together.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-16

H.J.R. 23—Reps. Zoghby, Harper, Buskey,
Box, Kennedy, Clark,
Kvalheim, Gaston, Clikas,
McMillan, Turner, Penry,
Adams, Albright, Ashley,
Bennett, Biddle, Blake,
Blakeney, Boles, Bowling,

Brakefield, Brooks, Browder,
 Bryant, Butler, Campbell,
 Carothers, Carter, Casey,
 Coburn, Coleman, Cosby,
 Crow, Davis, Drake, Drinkard,
 Dutton, Escott, Faulk,
 Flowers, Ford, Freeman,
 Goodwin, Grimsley, Grouby,
 Hall, Hammett, Harvey,
 Hettinger, Holley, Holmes,
 Horn, Howard, Johnson (Al),
 Johnson, (R.G.), Johnson
 (Roy), Junkins, Laird,
 Langford, Lauderdale, Layton,
 Lewis, McKee, Manley,
 Martin, Mathis, Melton,
 Minus, Mitchell, Moore,
 Murphy, Nevett, Newman,
 Nicholson, Owens, Parker,
 Payne, Poole, Preuitt, Rains,
 Reed, Rice, Richardson,
 Rogers, Sasser, Scott, Seibels,
 Smith, Starkey, Starr, Stout,
 Thomas, Thornton, Trammell,
 Tucker, Turnham, Venable,
 Waggoner, Warren, White (F),
 White (L), Williams, Wilson,
 Wright.

HOUSE JOINT RESOLUTION

EXTENDING SYMPATHY OF THE LEGISLATURE TO THE FAMILY OF FORMER STATE REPRESENTATIVE GEORGE STEWART OF MOBILE.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature herein extends deepest sympathy to the family of our good friend and former colleague, Representative George Stewart of Mobile, Alabama, whose death occurred on December 30, 1982; and

WHEREAS, Mr. Stewart, a prominent area realtor and a resident of Mobile for some four decades, was educated at Spring Hill College and Livingston State University, and was a United States Air Force veteran who had served in the Strategic Air Command; and

WHEREAS, a member and vestryman of Saint Luke's Epis-

copal Church, George Stewart also had long been involved in numerous civic activities which included Mobile Area Chamber of Commerce membership and the past presidencies of the Toastmasters, Optimist and Civitan Clubs; he additionally was a member of the Board of Trustees of the Scottish Rite, the Boards of Directors of Mobile Youth Football as well as the Mims Park Football Association, and was the recipient of the Parent-Teachers Association's Mary England Award; and

WHEREAS, Mr. Stewart's death has indeed left a deep void in his community, and in the lives of all those who knew and loved him as an individual who cared deeply for others and who served in their behalf; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in sincerely shared sorrow, we extend our deepest sympathy to the family of our good friend and former colleague, Representative George Stewart of Mobile, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Christine Ann Stewart, that she and their beloved children and other family members may know of our concern for them in their time of such deep sorrow.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-17

H.J.R. 24—Reps. Hettinger, Freeman,
Butler, Albright, Brooks

HOUSE JOINT RESOLUTION

CREATING THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Madison County, a Commission to be known as The Madison County Elected Officials Salary Commission, hereinafter called "The Commission." The Commission shall be composed of nine (9) members with four of its members from government, four members from business, and a Chairman. The eight members from business and government shall include one lawyer, a manager, and two salary administrators. Its membership shall be appointed by the Madison County Legislative Delegation. The Chairman shall preside over all meetings. The Commission shall make its

own rules for the conduct of business. The initial meeting shall be held at the call of the Chairman. Members of the Commission shall serve without compensation. Administrative support shall be provided by the Madison County Legislative Office.

The objective of the Commission will be to provide information and recommendation regarding salaries of Madison County elected officials. The specific objectives of the Commission shall be described by the Madison County Delegation.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-18

H.J.R. 29—Reps. Penry, McMillan

HOUSE JOINT RESOLUTION

COMMENDING MRS. O'BYRNE JONES WHITLEY OF BAY MINETTE, BALDWIN COUNTY, STATE OF ALABAMA, UPON HER RETIREMENT.

WHEREAS, on January 21, 1983, Mrs. O'Byrne Jones Whitley will end an outstanding career with the Baldwin County Commission which spans ten years of dedicated service; and

WHEREAS, she began her service as Acting County Clerk/Treasurer on January 6, 1973 and on February of that same year was appointed Assistant County Clerk/Treasurer; and

WHEREAS, she was responsible for the direct supervision of the Purchasing and Accounting Personnel within the Baldwin County government, during the time when the county experienced rapid growth, and

WHEREAS, she has been influential in the establishment of an uniform accounting, investment, financial program for the county while keeping all accounts payable current on a thirty (30) day basis; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mrs. O'Byrne Jones Whitley on her outstanding loyal and dedicated career. We congratulate her on her retirement, and wish her well in all future endeavors, and direct that she receive a copy of this resolution as evidence of this bodies deep appreciation and esteem.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-19

H.J.R. 30—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Tuesday, January 18, 1983, we adjourn sine die.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-20

H.J.R. 31—Rep. Turnham

HOUSE JOINT RESOLUTION

COMMENDING MR. EDGAR LEON MCGRAW FOR MERITORIOUS SERVICE TO AUBURN UNIVERSITY.

WHEREAS, it is with utmost commendation that the Alabama Legislature notes the October 31, 1982, retirement of Mr. Edgar Leon McGraw as department head of Research Information and editor of the Alabama Agricultural Experiment Station; and

WHEREAS, Mr. McGraw's accomplished career spanned some 43 years in the field of education, with more than 37 of those years on the faculty at Auburn University; he has served in all three of the University's divisions and under four directors and four University presidents, as well; and

WHEREAS, a native of Lauderdale County, Mr. McGraw holds a two-year diploma from Florence State Teachers College and both his Bachelor's and Master's degrees from Auburn University; he also completed additional studies on the post graduate level at Auburn and at the University of Kentucky; and

WHEREAS, during Editor McGraw's tenure, publications of the Alabama Experiment Station have received national acclaim for their scientific professionalism and he, himself, has gained widespread recognition among his peers; and

WHEREAS, Mr. McGraw, a published author, is a past president of Phi Kappa Phi at Auburn and also is a charter member of the Auburn Chapter of Phi Delta Kappa which he served as secretary-treasurer for 25 years; he is a member of Kappa Delta Pi and Gamma Sigma Delta honor societies, is listed in Who's Who in American Education and is a member of a number of other professional organizations in many of which he held responsible positions

of leadership; and

WHEREAS, as a member of the Auburn community, Mr. McGraw also is distinguished in service; he is a member and lay speaker of the Auburn United Methodist Church, a member of Methodist Men, past president of the McGehee Bible Class and is a longtime member and past president of the Auburn Lions Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep appreciation for his service and in sincere admiration of his accomplishments, we hereby most highly commend Mr. Edgar Leon McGraw as one of our state's most prominent educators.

BE IT FURTHER RESOLVED, That Mr. McGraw receive a copy of this resolution that he and his wife, Mrs. Johnnie Faye McGraw, their three daughters and other family members may be aware of our warm praise and sincere regard.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-21

H.J.R. 33—Rep. Penry

HOUSE JOINT RESOLUTION

COMMENDING CHIEF WARRANT OFFICER FREDERICK W. ALMS ON HIS OUTSTANDING MILITARY CAREER.

WHEREAS, the January 31, 1982, retirement of Chief Warrant Officer Frederick W. Alms will bring to a close a distinguished career of more than 35 years of active service with the United States Army National Guard; and

WHEREAS, a native and resident of Elberta, Alabama, Frederick W. Alms enlisted in the Guard in 1947, in Foley, Alabama, where he remained in assignment until 1951, at which time he was ordered to active duty with the 31st Infantry Division and stationed at Camp Atterbury, Indiana; and

WHEREAS, Frederick Alms, while serving with the 31st Division, was promoted to Sergeant 1st Class whereupon he received an official Letter of Commendation from his commanding officer, citing Sergeant Alms for diligence and outstanding ability in the performance of his duties as a platoon Sergeant; and

WHEREAS, since reassignment to his home station at Foley, in 1952, he has risen in rank and through grade, and will retire as Chief

Warrant Officer from his current assignment as Unit Administrator, and as the recipient of the prestigious Army Commendation Medal for meritorious service; and

WHEREAS, Chief Warrant Officer Alms has a distinguished record of community service, as well, through longtime involvement as a member of the Lutheran Church and through active participation in PTA and Little League Baseball; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Chief Warrant Officer Frederick W. Alms on his distinguished military career with further warm praise voiced for selfless and long-continuing community service.

BE IT FURTHER RESOLVED, That Mr. Alms be presented with a copy of this resolution that he and his wife, Mrs. Betty Alms, their sons, Fred and Norman, and his mother, Mrs. Arthur H. Alms, may know of our sincere commendation and regard.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-22

H.J.R. 35—Reps. Lewis, Howard

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MAYOR EVERETT V. PARSONS OF JOHNS, ALABAMA.

WHEREAS, the Alabama Legislature has been deeply saddened to learn of the death of Mayor Everett V. "Tony" Parsons of Johns, Alabama; and

WHEREAS, a native and lifelong resident of Jefferson County, Mr. "Tony" Parsons was a retired coal miner for the Black Diamond Coal Company and had served as Mayor of Johns for a period of six years; and

WHEREAS, Mayor Parsons was a longtime member and Deacon in the Baptist Church of Dogwood, and also had served his community as president of the Community Action for Enrichment Committee; and

WHEREAS, Mayor Parsons is survived by his wife, Mrs. Lucille Parsons, and by their three sons and a daughter, to whom we extend deepest sympathy in their great loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously

mourn the death of Mr. Everett V. "Tony" Parsons, beloved mayor of Johns, Alabama, and again express our sincerely shared sorrow to all his family to whom a copy of this resolution shall be sent.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-23

S.J.R. 4—Mr. Foshee

SENATE JOINT RESOLUTION

CREATING A LEGISLATIVE PARKING COMMITTEE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That there is hereby created a joint committee to work with the State Capitol Police in assigning parking places to members of the Legislature. Said committee shall consist of three members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the Presiding Officer of the Senate.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-24

S.J.R. 5—Senators Foshee, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J) and Teague

SENATE JOINT RESOLUTION

EXPRESSING THE SYMPATHY OF THE LEGISLATURE TO THE FAMILY OF BERRY LYNCHMORE CANTRELL.

WHEREAS, One of the most colorful and popular figures to grace the legislative halls of the Capitol in recent memory was former Senator Berry Lynchmore Cantrell; and

WHEREAS, Mr. Cantrell, more recently with the security staff

of the Senate, made himself an indispensable member of the staff and friend to each member of the Senate; and

WHEREAS, Mr. Cantrell, originally from Marion County, served in the 1955-59 Senate during the Folsom administration, and a term in the House during the first Wallace administration; he was also a deputy prison commissioner, and ran for the presidency of the Public Service Commission; and

WHEREAS, Since the inception of the security system in the Senate, Mr. Cantrell had served as its chief, utilizing his strict Marine training in the enforcement of rules regarding privileges of the floor, dress code, and general conduct; and

WHEREAS, After a valiant battle against cancer, Mr. Cantrell died in September, leaving a real void in the Capitol halls and in the hearts of his many friends; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we express our gratitude for the privilege of having known and loved Berry Lynchmore Cantrell; we will miss his fierce protection of the dignity of the legislative process, his perceptive wit, but, more importantly, his friendship.

BE IT FURTHER RESOLVED, That we extend our heartfelt sympathy to his widow, Imogene, to his daughter, Martha C. Faulkner, and his son, Berry Lynchmore Cantrell, Jr.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-25

S.J.R. 6—Senators Kirkland, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J), Teague and deGraffenried

SENATE JOINT RESOLUTION

COMMENDING OUR COLLEAGUE, MRS. ANN BEDSOLE, AND WELCOMING HER AS A MEMBER OF THE ALABAMA SENATE.

WHEREAS, this Organizational Session of the 1983 Legislature is an historic occasion for the State of Alabama in that our good friend and colleague, Mrs. Ann Bedsole of Mobile, takes a seat as the "First Lady" of the Senate; and

WHEREAS, to become the first woman ever to be so elected is a milestone in itself, but it is a bonus in the esthetic sense, translating into "lagniappe" for the Senate Chamber which now houses a beauty among its beasts; and

WHEREAS, in a serious vein, however, it is to be noted that Mrs. Bedsole comes to the Senate with solid credentials of experience and dedicated ability following her accomplished four-year term in the Alabama House of Representatives from District 101 in Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most warmly praise and commend Mrs. Ann Bedsole of Mobile as a prominent and effective public servant whom we now proudly address as Senator Bedsole.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Senator Bedsole in token of our sincere friendship and with warmest regards.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-26

S.J.R. 7—Senators Kirkland, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J) and Teague

SENATE JOINT RESOLUTION

COMMENDING MR. AL FOX, FORMER DEAN OF THE CAPITOL PRESS CORPS, AND DESIGNATING MR. FOX AS HONORARY MEMBER OF THE ALABAMA SENATE.

WHEREAS, the recent retirement of Mr. Al Fox as political writer for the *Birmingham News* brought to a close his brilliant career as an outstanding journalist, one who has been honored for achievement on numerous occasions through the years; and

WHEREAS, an alumnus of the University of Tennessee, Mr. Fox also is a retired United States Navy Commander and was associated with *The News* for the last two decades of his journalistic career; and

WHEREAS, Mr. Fox's accolades include such prestigious recognitions as the *Birmingham News* "Big N" Award and TSU's Hector Award as well as a number of professional honors bestowed by the Associated Press; and

WHEREAS, it has been the good fortune of many within this membership to have been associated with Al Fox both as a friend and through his assignment to the Capitol, a tenure which ultimately led to his seniority designation as Dean of the Capitol Press; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Al Fox for outstanding journalistic achievement and, in further recognition, do hereby name and designate Mr. Fox as an honorary member of the Alabama State Senate.

BE IT FURTHER RESOLVED, That "Senator" Fox receive a copy of this resolution in token of our warm affection and regard.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-27

S.J.R. 8—Senator Kirkland

SENATE JOINT RESOLUTION

COMMENDING MR. BAXLEY RAINES, FFA AMERICAN FARMER AWARD RECIPIENT

WHEREAS, Mr. Baxley Raines of East Brewton, Alabama, is a recent designee of the highest Future Farmers of America degree of membership, that of American Farmer; and

WHEREAS, Mr. Raines, who is a member of the W.S. Neal FFA Chapter, received this prestigious recognition at the 55th Na-

tional FFA Convention in Kansas City, Missouri, along with 751 other outstanding FFA's from throughout the nation; and

WHEREAS, the American Farmer program of FFA is a special project of the National FFA Foundation and is co-sponsored by a number of large American corporations in an effort to support and encourage our youth in FFA participation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Baxley Raines for his many accomplishments as a member of the Future Farmers of America; we congratulate Mr. Raines on his American Farmer designation and direct that he receive a copy of this resolution in token of our esteem.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-28

S.J.R. 10—Senators deGraffenried, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J) and Teague

SENATE JOINT RESOLUTION

HONORING COACH PAUL WILLIAM BRYANT UPON HIS RETIREMENT AS HEAD FOOTBALL COACH FOR THE ALABAMA CRIMSON TIDE.

WHEREAS, it is with deep regret that the Alabama Legislature notes the retirement of Coach Paul William Bryant as Head Football Coach at the University of Alabama, a position he held for the last 25 years of a brilliant and incomparable 38-year career; and

WHEREAS, Coach Bryant's journey into greatness as the winningest coach of all time was brightly lit along the way by 323 victories, the last in his final game against Illinois in the Liberty Bowl; it is a record perhaps never to be broken by any other major college coach; and

WHEREAS, other milestones to Coach Bryant's credit, marking his climb to the summit, are records that were made and broken from Maryland to Alabama, by way of Kentucky and Texas A & M; and

WHEREAS, statistically to his glory are: Six national championships, all at Alabama; 29 bowl games, including 24 straight for his Alma Mater; three National Coach of the Year Awards; eight SEC Coach of the Year Awards; a legion of Bryant-coached players who have flooded the ranks of professional football; and an incredible roster of more than 45 former players and assistants who themselves have become head coaches; and

WHEREAS, an enumeration of all his accolades would be both endless and repetitive but a very recent honor was his selection as National Alumnus of the Year by Sigma Nu fraternity; this prestigious award was presented during ceremonies attended by his son and grandson—both of whom also share fraternal kinship with Coach Bryant; and

WHEREAS, that Coach Bryant possesses genius is undisputed; his true greatness, however, is an illusive quality and a rare combination of many—an empathy, understanding and deep care for his players which transcends the gridiron to ultimately reflect such attributes as honor, acceptance of responsibility and a uniqueness for accomplishment; and

WHEREAS, though we deeply regret Coach Bryant's retirement, we are at the same time positive in our respect for his decision and in admiration of his loyalty and love for the University of Alabama; he has walked in the way of honor, served in the light of truth and he has indeed made us proud; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in profound regard and unbounded admiration, we today pay tribute to Coach Paul Bryant, a man whose fame we presume to share but whose nobility is his alone.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-29

S.J.R. 11—Senators deGraffenried, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, Denton,

Dixon, Figures, Foshee,
 Goodwin, Harrison, Hilliard,
 Holmes, Keener, Kirkland,
 Little, Menton, Mitchell,
 Mitchem, Parsons, Pearson,
 Proctor, Robertson, Smith (B),
 Smith (J), and Teague

SENATE JOINT RESOLUTION

EXTENDING A WARM WELCOME TO COACH RAY PERKINS AS HEAD FOOTBALL COACH FOR THE UNIVERSITY OF ALABAMA'S CRIMSON TIDE.

WHEREAS, the Legislature of Alabama notes with commendation and in pleased concurrence the selection of Coach Ray Perkins for the position of Head Football Coach at the University of Alabama; and

WHEREAS, as Coach Perkins returns to Alabama and to his beloved Alma Mater, he brings with him a long list of impressive credentials which run the gamut from High School All-American to Head Coach of the New York Giants; and

WHEREAS, Coach Perkins is a native of Mount Olive, near Petal, Mississippi, and, of course, a former standout receiver for the Crimson Tide where he learned the ABC's of discipline, persistence and winning at the knee of his mentor, Coach Paul Bryant; and

WHEREAS, he was a member of two Crimson Tide National Championship teams, All-American in 1966, and in the Orange Bowl on January 1, 1966, caught a record 10 passes in the first half of the Tide's 39-28 victory over Nebraska; and

WHEREAS, following a five-year stint as a professional with the Baltimore Colts, Ray Perkins began his coaching career at Mississippi State; he joined the coaching staff at Boston a year later, also coached at San Diego, and has been Head Coach for the Giants for the past four years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a warm and joyous "Welcome Home" to Coach Ray Perkins, Head Coach of the University of Alabama's Crimson Tide.

BE IT FURTHER RESOLVED, That Coach Perkins receive a copy of this resolution that he may be aware of our great pride and pleasure in his "homecoming," in every sense.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-30

S.J.R. 12—Senator deGraffenried

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF DR. ROBERT JOSEPH NICOLOSI OF THE UNIVERSITY OF ALABAMA MUSIC FACULTY.

WHEREAS, the Legislature of Alabama grievously notes the death of Dr. Robert Joseph Nicolosi of Tuscaloosa, Alabama, on October 12, 1982, at the early age of just 38 years; and

WHEREAS, Dr. Nicolosi, who was a beloved member of the University of Alabama's music faculty for some ten years, was a graduate of Catholic University in Washington, D.C., with his Ph.D. in Musicology acquired at Washington University in Saint Louis; and

WHEREAS, prior to his association with the University of Alabama, Dr. Nicolosi had served in Saint Louis on the Washington University faculty and the faculties of the Community Music School and the Metropolitan Education Center in the Arts; and

WHEREAS, during this tenure at Alabama, he was active in the affairs of the nationally renowned University Music Department and had served in various other leadership capacities including member of the faculty senate, chairman of the University Library Committee and chairman of the Search Commission for the new library dean; and

WHEREAS, professionally, Dr. Nicolosi had served as a past chairman of the Southern Chapter of the American Musicological Society and, at the time of this death, was serving as program chairman for musicology for the National Music Teachers Association; and

WHEREAS, he further was a member of Christ Episcopal Church and was active as well in other affairs of the community which now sorely grieves in the loss of such an accomplished, talented and selfless individual; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Dr. Robert Joseph Nicolosi of Tuscaloosa, Alabama, and extend our deepest sympathy to his wife, Mrs. Karen B. Nicolosi, their children, Jeffrey and Gianna; to his mother, Mrs. Jennie Nicolosi, and other family members to whom a copy of this resolution shall be sent bespeaking our shared sorrow in their great loss.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-31

S.J.R. 14—Senator Proctor

SENATE JOINT RESOLUTION

CREATING A JOINT LEGISLATIVE COMMITTEE ON AP-
PORTIONMENT ACCORDING TO THE 1980 UNITED STATES
CENSUS AND TO PROVIDE FOR THE POWERS AND DUTIES
OF SAID COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That any resolution
heretofore passed relating to the legislative reapportionment com-
mittee is hereby repealed.

WHEREAS, as a result of the 1980 Census, there may exist a
reapportionment problem in Alabama; and

WHEREAS, the Alabama Legislature has enacted a reappor-
tionment statute but has not yet been accepted by the United States
Justice Department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That there is hereby
created a joint legislative committee on reapportionment to consist
of twenty members as follows: One member of the House of Repre-
sentatives from each Congressional District, the chairman or vice-
chairman of the House Judiciary Committee and two members of
the House of Representatives at-large to be appointed by the
Speaker of the House and one member of the Senate from each
Congressional District, the chairman or vice-chairman of the Senate
Judiciary Committee and two members of the Senate at-large, to be
appointed by the Lieutenant Governor. This Committee shall make
a continuous study of the reapportionment problem in Alabama
seeking solutions thereto. It shall make such reports of its investiga-
tions, findings and recommendations to the legislature at any time
during any regular or special session of the legislature as it may
deem necessary or desirable. Each member of the committee hereby
created shall be entitled to his usual legislative pay, travel expenses
and per diem for each day spent in attending such committee meet-
ings or on business of the committee within and without the State.
This committee will have no authority after the 1983 Regular Ses-
sion of the Legislature and shall have no further duties or liabilities
upon its discharge.

BE IT FURTHER RESOLVED, That the Speaker of the House shall appoint one member from the House as Co-chairman and the Lieutenant Governor shall appoint one member of the Senate as Co-chairman.

BE IT FURTHER RESOLVED, That the committee shall have authority to employ all necessary staff to perform the functions of this committee and the authority to employ consultants, technicians, attorneys and any other experts needed to prepare maps and make professional appearances to support any plan of reapportionment adopted by the legislature. Such employees of the committee shall be paid out of any funds appropriated for the use of the legislature.

BE IT FURTHER RESOLVED, That the Co-chairmen of the committee are authorized and directed to approve for payment the proper and reasonable charges and expenses of consultants, attorneys and technical staff employed or utilized by the 1983 Legislature from November 3, 1982, to the date of adoption of this resolution and each member of the 1983 Legislature, who has served on the Interim Reapportionment Committee, shall be entitled to and be reimbursed for his usual legislative pay, travel expenses and per diem for each day spent in attending committee meetings or on business of the committee within or without the State since November 3, 1982, with payment to come from funds appropriated for the use of the Legislature.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-32

S.J.R. 15—Mr. Holmes

SENATE JOINT RESOLUTION

CONGRATULATING THE OXFORD HIGH SCHOOL YELLOW JACKETS ON AN OUTSTANDING FOOTBALL SEASON.

WHEREAS, the Alabama Legislature extends congratulations to Oxford High School for an outstanding '82 football season which ended with the Yellow Jackets as runner-up for the State 3-A Championship; and

WHEREAS, for the first time ever, the Jackets went all the way to the finals, playing a 14-game season with only two losses; and

WHEREAS, Oxford High School's phenomenal success was achieved under the outstanding leadership of Head Coach Bill Burgess and coach staff members Charles Maniscalco, Roland Houston,

Clint McCall, Larry Davidson, Bobby Buchanan, Scottie McDaniel and Wayne Livingston; team managers were Randy Archer, Ed Brown, Tony Bonner and Greg Reaves; and

WHEREAS, also adding to the success of the season were the Oxford High School cheerleaders, majorettes and band members, the former for their leadership in promoting spirited support for the team and the latter two for their magnificent half-time performances; and

WHEREAS, the Yellow Jacket lineup of talented athletes, each and every one, consisted of: Keith Taylor, Craig Higgins, Scott Britt, Wally Adams, Keith Bonner, Mike Pogue, Scott Chase, Gerald McRath, Rodney McSheridan, Gerald Cates, Mark Sisky, Don Strickland, Mike Delsandro, Greg Burgess, Marty Livingston, Robby Bussey, Eddie Dempsey, Bruce Harmon, Ronnie Henderson, Steve Crow, Rodney Hansen, Bruce Key, Craig Akin, Buddy Rice, Todd Tanner, Ronnie Strickland, Eddie Willingham, Brian Young, Joey Crosby, Robbie McCormick, John Jurichich, Tracy Edwards, Randall Cunningham, Chris Ervin, Mike Mancill, Ricky Young, Loren Worthy, Andy Cowan, Ed Brunton, Jay Wages, Ronnie Nordan, Wayne Lee, Terry Willingham, Rick Burgess, Mickey Shadrix, Chuck Mason, Eric Williams, Bobby Wood, Donnie Adams, Scottie Norton, Mike Sparks, Rod Cobb, Bart Fowler, Shun Adams, Mike Martin, and Alvin Byars; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Oxford High School Yellow Jackets as 3-A Area 11 Champions and as runner-up for the State 3-A Football Title.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the school, to Coach Burgess and his staff, and to each member of the team.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-33

S.J.R. 16—Senator Goodwin

SENATE JOINT RESOLUTION

COMMENDING MR. SAM DEJARNETTE OF SELMA, ALABAMA.

WHEREAS, Alabamian Sam Dejarnette of Selma is an outstanding member of the University of Southern Mississippi's foot-

ball team and one whose collegiate career has been extraordinary in accomplishment; and

WHEREAS, a 6-foot, 185-pound sophomore, Mr. Dejarnette ranks fifth in the nation in rushing this season with a 140.5 average, eighth in the country in kickoff returns with an average of 25.3; second in the country in all-purpose running with 180.2 yards per game; and is tied for 16th in the nation in scoring, averaging 8.2 points per game; and

WHEREAS, Sam Dejarnette, this past season, set four USM records in rushing with 1545 yards gained in a season, 304 yards gained in a single game in the USM versus Florida State confrontation, 311 season attempts and 43 single game attempts, again against FSU; and

WHEREAS, he also rushed for over 100 yards in eight of USM's 11 games this season and was an AP selection for National Offensive Player of the Week; and

WHEREAS, Mr. Dejarnette is an Associated Press selection to the All-South Independent Team; both AP and UPI Honorable Mention All-American; Metro Conference Player of the Year by Metro News; and a selection, as well, to the All-Metro Conference Team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express utmost commendation of Mr. Sam Dejarnette of the University of Southern Mississippi; we congratulate him as an outstanding athlete and direct that he and his parents, Mr. and Mrs. Sam Dejarnette also of Selma, receive copies of this resolution in token of our warm praise and regard.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-34

S.J.R. 18—Senator Keener

SENATE JOINT RESOLUTION

COMMENDING THE HONORABLE HOBODY G. RAINS UPON HIS RETIREMENT AS CIRCUIT COURT JUDGE OF THE 16TH JUDICIAL CIRCUIT, ETOWAH COUNTY.

WHEREAS, the Alabama Legislature notes the impending retirement, on January 17, 1983, of Judge Hobdy G. Rains of Gadsden following his tenure, from 1976 to 1983, as Judge of the 16th Judi-

cial Circuit, Etowah County; we are pleased to note, however, that Judge Rains will continue in service in supernumerary capacity by nomination of Chief Justice C.C. Torbert; and

WHEREAS, Judge Rains is a former Gadsden City Attorney as well as a former district attorney for Etowah County; he is a graduate of the University of Alabama's School of Law, a graduate also of the American Academy of Judicial Education at Washington and Lee University's School of Law, and he is a past president of the Etowah County Bar; and

WHEREAS, Judge Rains' involvement extends further to include some 28 years of past service as a Secretary of the State Democratic Executive Committee; he additionally is a member of the Board of Directors of the First Alabama Bank of Gadsden and has served in numerous other civic and community organizations through the years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most warmly praise Judge Hobdy G. Rains of Gadsden, Alabama, for outstanding service as Circuit Judge, Etowah County; we further express deep admiration of his many outstanding accomplishments in a number of areas and direct that he be presented with a copy of this resolution, tendered in warm praise and regard.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-35

S.J.R. 19—Senators Mitchell, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J) and Teague

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF REPRESENTATIVE WILLIAM DEARA EDWARDS OF FORT DEPOSIT, ALABAMA.

WHEREAS, it is with profound sorrow and in deep regret that the Legislature of Alabama notes the death of our longtime friend and colleague, Representative William Deara Edwards of Fort Deposit, Alabama, on August 27, 1982, at the age of 66 years; and

WHEREAS, a native of Elmore County, Representative Edwards attended the public schools of Lowndes County, Bob Jones University, and graduated from Auburn University with a Bachelor of Science degree; and

WHEREAS, following a career of some 20 years in the farm implement business, Mr. Edwards became a cattle farmer in 1958 with an extensive operation in his beloved Lowndes County; he was a past president of both the Lowndes County Farm Bureau and Cattlemen's Association; and

WHEREAS, Mr. Edwards first served in the Alabama Legislature from 1962 to 1966 as Lowndes County Representative; he returned in 1970, following an interim four years as Lowndes County Legislative Agent, and was subsequently twice re-elected to the House of Representatives; and

WHEREAS, during his legislative career, Representative Bill Edwards served on a number of important committees and not only in a membership capacity but as chairman and vice chairman as well; in 1973, he was named to Who's Who in Politics in the South and Southwest, and his legislation to aid the blind was included in the Congressional Record; and

WHEREAS, Mr. Edwards additionally served for more than 20 years with the Selective Service System for which he received the Distinguished Service Award; he also was a Mason and a member of the Methodist Church which he served as Lay Speaker and as Sunday School teacher for more than two decades; and

WHEREAS, in the death of Mr. Edwards, the constituents of House District 83, as well as the entire citizenry of our State, have lost a dedicated public servant whose every effort was directed to the progress, good and well-being of his fellowman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of our good friend, Representative William D. "Bill" Edwards of Fort Deposit, Alabama, and extend our most heartfelt sympathy to his devoted wife of 43 years, Mrs. Virginia Spencer Edwards, and to their two sons, all of whom we also treasure as friends and to whom a copy of this resolution shall be sent.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-36

S.J.R. 20—Mr. Kirkland

SENATE JOINT RESOLUTION**COMMENDING MR. LAVON BRADLEY OF ESCAMBIA COUNTY, ALABAMA.**

WHEREAS, the Alabama Legislature, in pleased concurrence, notes the selection of Mr. Lavon Bradley of Escambia County, Alabama, as the recipient of the National Future Farmers of America Proficiency Award in Fish and Wildlife; and

WHEREAS, it is further to be noted that this national recognition is the culmination of some three years' work by Mr. Bradley in competition with three other regional winners; and

WHEREAS, young Mr. Bradley began his project by planting small food plots of rye, oats, wheat and chufus for turkeys, deer and quail; he also constructed duck boxes for the protection of baby ducks against predators, and has participated in numerous other projects and activities during his involvement with FAA; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Mr. Lavon Bradley upon his recent national recognition; we further extend utmost commendations on his many achievements, wish him every future success, and direct that he receive a copy of this resolution evidencing our sincere warm praise and regard.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-37S.J.R. 21—Senators Bedsole, Menton and
Figures**SENATE JOINT RESOLUTION****NAMING THE "SPOIL" ISLAND IN MOBILE BAY, EAST OF THE MAIN SHIP CHANNEL AND NORTH OF THE DIAGONAL THEODORE SHIP CHANNEL, THE "WILSON GAILLARD ISLAND."**

WHEREAS, the reality of Theodore Industrial Park forecasts an economic boom for Alabama's Mobile area by ultimately employing 4,800 persons, providing an additional 11,000 satellite jobs and creating an annual purchasing power of some \$200 million; and

WHEREAS, in dredging the Theodore Ship Channel, a "spoil" island was created in Mobile Bay by the dredged materials; this island now is a tremendous environmental asset to the entire area and is primarily the result of the dedicated efforts of Dr. Wilson Gaillard of Mobile; and

WHEREAS, before recommending the island as the channel spoil, and for future spoil, Dr. Gaillard first rented an island himself to experiment and explore the feasibility of success for such an undertaking; and

WHEREAS, that this has been accomplished is evidenced by the return of brown pelicans and other birds which now nest there, and marsh grass planted by Dr. Gaillard also has created feeding grounds for shrimp and other seafood as well; and

WHEREAS, it is the consensus of this body that appropriate recognition is mandated for the designer and creator of this island which has in effect saved the environmental aspects of Theodore while promoting new jobs and industries—the great balance between mankind and nature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in appreciation and recognition of the contributions of Dr. Wilson Gaillard to our state, we hereby name and designate the island in Mobile Bay, 1,300 acres more or less, constructed of material collected from the dredging of the Theodore Ship Channel and located East of the main ship channel and North of the diagonal Theodore Ship Channel, the "Wilson Gaillard Island."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said island as the "Wilson Gaillard Island."

RESOLVED FURTHER, That a copy of this resolution be provided for Dr. Wilson Gaillard in token of our sincere regard and as a memento of this honorary designation.

Approved January 21, 1983

Time: 3:50 P.M.

Act No. 83-38

S.J.R. 22—Senators Barron and Mitchem

SENATE JOINT RESOLUTION

DESIGNATING THE WEEK OF JUNE 5, 1983 AS "ALABAMA" WEEK IN HONOR OF THE RENOWN COUNTRY MU-

SIC GROUP, "ALABAMA."

WHEREAS, the country music group called "Alabama" is distinguished in its achievement and has claimed worldwide recognition in the field of country music; and

WHEREAS, the Alabama Legislature notes with inordinate pride that three of the group's members, Jeff Cook, Teddy Gentry and Randy Owen, are all natives of DeKalb County, Alabama, who along with their associate Mark Herndon, have focused the eyes of the world in favorable identification with the State of Alabama; and

WHEREAS, it is to be further noted that many of the group's hit recordings, such as "My Home's In Alabama," "Tennessee River," and "Christmas in Dixie," among others, reflect "Alabama's" close ties with their native State and Southland; and

WHEREAS, "Alabama" has made numerous nationally-televised appearances and in addition has been variously and often honored with such prestigious nominations and designations as Country Music's Vocal Group of the Year, Instrumental Group of the Year and Entertainer of the Year, as well; and

WHEREAS, the group, commendably, also performs on behalf of many benovelent causes including the annual June Jam held in Ft. Payne, Alabama, for which all proceeds are donated to worthwhile charities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSE THEREOF CONCURRING, That we hereby most highly commend Alabama's own "Alabama" for outstanding achievement in the field of country music and, in appreciation thereof, do hereby name and designate the week of June 5, 1983, as "Alabama" Week in the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to "Alabama" in token of our admiration and regard and as a memento of this honorary designation.

Approved January 21, 1983

Time: 3:50 P.M.

ALABAMA LAWS
And Joint Resolutions
FIRST EXTRAORDINARY SESSION 1983

Act No. 83-39

H. 1—Reps. Casey, Drake, Holmes, Coburn, Holley, Johnson (Roy), Preuitt, Trammell, Blake, White (L), White (F), Browder, Langford, Adams, Bowling, Layton, Harvey, Martin, Coleman, Horn, Rogers, Mathis, Mitchell, Thornton, Davis, Ashley, Grimsley, Smith, Crow, Thomas, Johnson (Al), Rice

AN ACT

To amend Code of Alabama 1975, §§ 40-20-2 and 40-20-8, so as to delete certain exemptions and provide an eight (two percent additional) percent statewide production privilege tax and to rescind royalty owners tax exemptions so that contracts will not be impaired, to amend the allocation and distribution formula, and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1975, Section 40-20-2, is amended to read as follows:

§ 40-20-2. (a) There is hereby levied, to be collected hereafter, as herein provided, annual privilege taxes upon every person engaging or continuing to engage within the state of Alabama in the business of producing or severing oil or gas, as defined herein, from the soil or the waters, or from beneath the soil or the waters, of the state for sale, transport, storage, profit or for use. The amount of such tax shall be measured at the rate of eight percent of the gross value of said oil or gas at the point of production. All wells producing less than 10 barrels of oil per day shall be taxed at the rate of four percent of gross value of said oil or gas at the point of production.

(b) The tax is hereby levied upon the basis of the entire production in this state, including what is known as the royalty interest, on which production the amount of such tax shall be a lien, regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the state; and the tax shall accrue at the time such oil or gas is severed from the soil or the waters, or from beneath the soil or the waters, and in its natural, unrefined or unmanufactured condition.

(c) A county, city, town or municipality of the state of Alabama shall not establish, levy, impose or collect, as a condition of doing business or otherwise, any tax, fee, license or charge whatsoever, directly or indirectly, on or with respect to the production, treating, processing, ownership, sale, storage, purchase, marketing or transportation on any oil or gas produced in the state of Alabama and on which severance taxes have been paid to the state of Alabama, or upon the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas, or upon the ownership, operation or maintenance of plants, facilities, machinery, pipelines, gathering lines or any equipment whatsoever, which are, or may be, necessary or convenient to the production, treating, processing, ownership, storage, sale, purchase, marketing or transportation of such oil or gas; provided, that nothing herein shall be construed to prohibit, limit or restrict a county, city, town or municipality from imposing and collecting ad valorem taxes on any property, real or personal, not otherwise now exempted by law; further, the limitation herein imposed upon counties, cities, towns and municipalities shall not apply to any county, city, town or municipality which does not receive a share of the severance tax under the provisions of this article.

(d) Nothing contained herein shall be deemed to limit or to enlarge the authority of a county, city, town or municipality to levy taxes or licenses on oil refining facilities located therein or on the suppliers of services or goods not including oil or gas to those persons engaging in the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas.

(e) In all cases of production of oil from unit operations as authorized and approved by the state oil and gas board of Alabama, for purposes of computing the per well production aforesaid, the aggregate production of oil from the entire unit shall be divided by the number of wells within the unit, including injection, disposal and other wells utilized in unit operations, and the quotient therefor shall be deemed and declared to be the number of barrels of oil produced from each well in such unit regardless of the actual amount of oil per day produced from the well, if any.

Section 2. Code of Alabama 1975, Section 40-20-8, is amended to read as follows:

§ 40-20-8. (a) Twenty five percent of the net amount of all taxes herein levied and collected by the department, after the same has been certified into the state treasury, shall be allocated and distributed by the comptroller to the credit of the general fund of the state.

(b) Sixty-six and two-thirds percent of the remaining seventy-five percent of all taxes herein levied and collected by the department, after the same has been certified into the state treasury, shall be allocated and distributed by the comptroller to the credit of the general fund of the state and to the county in which the oil or gas was produced and to the municipalities therein in the proportion set out in the following schedule:

(1) Twenty-five percent of all taxes herein levied and collected on oil and gas produced from oil or gas wells located within any county, shall be allocated and distributed to each such county for county purposes or to be expended at the discretion of the county governing body. In all counties having a population of not less than 34,875 nor more than 36,000, according to the 1970 federal decennial census, such funds shall be allocated and distributed to the boards of education of the public schools in such counties on a pro rata basis as established by the number of children in net enrollment in the public schools during the prior school attendance year. In all counties having a population of not less than 16,000 nor more than 16,250, according to the 1970 federal decennial census, such funds shall be allocated and distributed as follows: Each year the first \$150,000.00 shall be paid to the custodian of the county school funds, and after the payment of said \$150,000.00 each year, the balance of said funds shall be divided and paid one third to the custodian of the county school funds and two thirds to the county general funds.

(2) Ten percent of all taxes herein levied and collected on oil and gas produced from oil or gas wells located within the corporate limits or the police jurisdiction of any municipality shall be allocated and distributed to each such municipality.

(3) Fifty percent of the first \$150,000.00 remaining, or any part thereof, collected per year under the provisions of this article, shall be allocated and distributed to the state, 42½ percent to the county and seven and one-half percent to municipalities therein on a population basis.

(4) Eighty-four percent of all additional sums collected per year under the provisions of this article shall be allocated and distributed to the state, 14 percent to the county and two percent to municipalities therein on a population basis.

(c) Sixteen and two-thirds percent of the remaining seventy-five percent of all taxes herein levied and collected by the department shall be certified into the state treasury to the credit of the state general fund.

(d) Sixteen and two-thirds percent of the remaining seventy-

five percent of all taxes herein levied and collected by the department on oil and gas produced from oil or gas wells located within any county shall be allocated and distributed to each such county for county purposes, to be expended at the discretion of the county governing body.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective the first of the month following the month in which it is approved by the governor.

Approved January 31, 1983

Time: 2:55 P.M.

Act No. 83-40

H.J.R. 6—Reps. Langford, Starr, Wilson, Holmes, Thomas, McKee, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (Al), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed,

Rice, Richardson, Rogers,
 Sasser, Scott, Seibels, Smith,
 Starkey, Stout, Thornton,
 Trammell, Tucker, Turner,
 Turnham, Venable, Waggoner,
 Warren, White (F), White
 (L), Williams, Wright, Zoghby

HOUSE JOINT RESOLUTION

DESIGNATING 1986 AS "THE LIGHTNING ROUTE CENTENNIAL YEAR" IN THE CITY OF MONTGOMERY, ALABAMA.

WHEREAS, on March 25, 1886, a successful trial run of an electric trolley in Montgomery, Alabama, heralded the first electrified mass transit system in the United States; and

WHEREAS, the "Lightning Route" and its further expansion into the residential areas of Montgomery played a significant role in the development of our Capital City and is forevermore recorded as an historic event; and

WHEREAS, the Lightning Route Centennial Committee is now being organized to play for a celebration to commemorate the one hundredth anniversary of the first city-wide system of electrically powered trolley cars in the nation; and

WHEREAS, the Alabama Legislature, in support of the Lightning Route Centennial Committee and its purpose, deems it desirable that such event be appropriately recognized for its historic significance through public participation and observance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the year 1986 as The Lightning Route Centennial Year in the City of Montgomery.

BE IT FURTHER RESOLVED, That the Lightning Route Centennial Committee be provided with a copy of this resolution in testimony of the Legislature's full support of said forthcoming commemoration.

Approved February 2, 1983

Time: 5:25 P.M.

HOUSE JOINT RESOLUTION

COMMENDING MRS. FRANCES MIZELL FOR MERITORIOUS SERVICE TO AGRI-BUSINESS EDUCATION IN THE STATE OF ALABAMA.

WHEREAS, the February 1, 1983, retirement of Mrs. Frances Mizell of the Agri-Business Education Staff, Auburn University, will bring to a close a meritorious tenure of more than 35 years with the University; and

WHEREAS, a native of Choctaw County, Mrs. Mizell is a graduate of Choctaw County High School and an alumna also of the Sally K. Hawthorne School in Montgomery, Alabama; and

WHEREAS, Mrs. Mizell was first associated with Auburn University as an employee in the Dean's office for one year, then for some eighteen months with the History Department staff; and

WHEREAS, for the past 33 years, however, Mrs. Mizell has been a valued employee of the secretarial support staff of the Agri-Business Education Department at Auburn; her contributions have been both significant and prolific to the degree that she will be sorely missed by her co-workers and many associates throughout the entire department, and the University as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mrs. Frances Mizell for meritorious service to Agri-Business Education for more than 33 years; we further extend sincere best wishes for her every future success and direct that she receive a copy of this resolution, tendered in deep appreciation and in token of our warm personal regard.

Approved February 2, 1983

Time: 5:25 P.M.

Act No. 83-42

H.J.R. 15—Reps. Casey, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford,

Freeman, Gaston, Goodwin,
 Grimsley, Grouby, Hall,
 Hammett, Harper, Harvey,
 Hettinger, Holley, Holmes,
 Horn, Howard, Johnson (Al),
 Johnson (R.G.), Johnson
 (Roy), Junkins, Kennedy,
 Kvalheim, Laird, Langford,
 Lauderdale, Layton, Lewis,
 McKee, McMillan, Manley,
 Martin, Mathis, Melton,
 Minus, Mitchell, Moore,
 Murphy, Nevett, Newman,
 Nicholson, Owens, Parker,
 Payne, Penry, Poole, Preuitt,
 Rains, Reed, Rice,
 Richardson, Rogers, Sasser,
 Scott, Seibels, Smith,
 Starkey, Starr, Stout,
 Thomas, Thornton,
 Trammell, Tucker, Turner,
 Turnham, Venable,
 Waggoner, Warren, White (F)
 White (L), Williams, Wilson,
 Wright, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING THE HOSTS OF THE LEGISLATURE IN-AUGURAL PARTY.

WHEREAS, on January 17, 1983, a Legislative Inaugural Dance was held at the Garrett Coliseum in Montgomery, Alabama; and

WHEREAS, the party was a huge success; and

WHEREAS, without certain individuals, the gala event could not have succeeded; and

WHEREAS, the Legislative Wives and Husbands Club sponsored the event which could not have succeeded had it not been for George F. Bailey, J. Robert Benton, James Gray, Johnny Johnson, H. A. Mawhinney, Fred Posey, Bobby Timmons, Hagood Paterson, Nace Allen, Vernon Ligon and L. T. Farris; who gave of their many talents and efforts to insure the success of this occasion; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend and thank George F. Bailey, J. Robert Benton, James

Gray, Johnny Johnson, H. A. Mawhinney, Fred Posey, Bobby Timmons, Hagood Paterson, Nace Allen, Vernon Ligon and L. T. Farris for the outstanding job they performed in assisting the Legislative Wives and Husbands Club.

BE IT RESOLVED FURTHER, That a copy of this resolution be sent to each of the above named persons as a token of our appreciation and our warm regards for them in their efforts.

Approved February 2, 1983

Time: 5:25 P.M.

Act No. 83-43

H.J.R. 17—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

COMMENDING GOVERNOR GEORGE C. WALLACE, THE UNIVERSITY OF ALABAMA, THE ROCHESTER PRODUCTS DIVISION OF GENERAL MOTORS AND THE UNITED AUTO WORKERS UNION.

WHEREAS, The University of Alabama, the Rochester Products Division of General Motors and the United Auto Workers Union announced on January 20, 1983, their agreement to jointly operate Rochester's Tuscaloosa Plant as an applied research facility; and

WHEREAS, Governor George C. Wallace has actively promoted joint government, education, industry initiatives and has encouraged and nourished the development of this particular effort; and

WHEREAS, this three-year agreement rescinds the previously announced closing of the facility, which would have meant the loss of some 200 jobs and untold direct and indirect consequences for the economy and the people of West Alabama, already suffering from high unemployment; and

WHEREAS, the goal of this joint venture is not to merely save jobs, but to improve the competitive position of the plant by drawing on the expertise of faculty and students at The University of Alabama, who will advise Rochester officials on ways to cut costs and improve quality by implementing state-of-the-art technology and management techniques, and convert their plant into a "Factory of the Future" through this applied research; and

WHEREAS, this unique project will serve as a model program nationally, exhibiting to all the enormous potential which can be realized when higher education, industry and labor join forces, since it

is only through such cooperation that this nation can regain a position of leadership in productivity and high technology advancements; and

WHEREAS, this agreement will provide contract and grant research opportunities, and General Motors funded scholarships and fellowships for University students; and

WHEREAS, this effort will ensure faculty access to the General Motors Tech Center by providing sabbatical and leave assignment opportunities for research in such areas as robotics, computer aided design, and computer integrated manufacturing;

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the State of Alabama does hereby commend and applaud the leadership shown by the Governor, General Motors, UAW, and The University of Alabama in this pioneering endeavor, which illustrates the kind of creative solution necessary to overcoming the State's economic problems.

BE IT FURTHER RESOLVED, that it is the sincere hope of this body that this joint venture is only the first of many such unions between the educational and industrial communities for their mutual benefit and the betterment of the State of Alabama.

Approved February 2, 1983

Time: 5:25 P.M.

Act No. 83-44

H.J.R. 18—Reps. Kennedy, Buskey, Clark,
Turner, Kvalheim, Gaston,
Clikas, Harper, Zoghby, Box

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. CLIFTON T. McKINNIS
OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama, in sincere sense of sorrow and deep regret, today notes the death of Mr. Clifton T. McKinnis of Mobile, Alabama, on December, 29, 1982, at the age of 87 years; and

WHEREAS, a native and lifelong resident of his beloved Mobile, Mr. McKinnis was one of Alabama's most prominent citizens and one whose life exemplified leadership, responsibility and a firm commitment to service, all on behalf of others; and

WHEREAS, Mr. McKinnis, as a businessman of substantial achievement, was actively associated with Mobile's Johnson-Allen

Mortuary for some 53 years, retiring from the presidency to be named President Emeritus; he continued to serve the business community, however, as a member of the board and in directorship capacity of such grant corporations as Gulf Federal Savings and Loan and United Life Insurance Company, Incorporated; and

WHEREAS, in further civic and community involvement, Mr. McKinnis was a charter member and honorary past president of the Utopia Club, Incorporated; a member of Gulf City Lodge Number 244, Improved Benevolent Protective Order of Elks of the World; and a past vice president of the Mobile Area Mardi Gras Association; and

WHEREAS, Mr. McKinnis, a dedicated servant of God and ever submissive to His will, was an active and supportive member of the Big Zion A.M.E. Zion Church where he was faithful in attendance and in stewardship as trustee and treasurer; and

WHEREAS, the death of Mr. Clifton T. McKinnis has indeed left a deep void in the lives and hearts of all those privileged to know him as a compassionate and gentle man; he was a man of good works and deeds and one who has left a lasting legacy of faith, courage, loyalty and love for those who also would reach for the stars; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we give thanks for his life, we grievously mourn the death of Mr. Clifton T. McKinnis of Mobile, Alabama, one of our state's most outstanding citizens.

BE IT FURTHER RESOLVED, That as he himself comforted the bereaved, we too seek to comfort those who now grieve—his beloved wife, Mrs. Irene M. McKinnis; his daughter and son-in-law, Adrienne and Herndon Harrison; his grandson and granddaughter-in-law, Herndon and Cynthia Harrison; and other family members to whom a copy of this resolution shall be sent.

Approved February 2, 1983

Time: 5:25 P.M.

Act No. 83-45

H.J.R. 20—Rep. Johnson (R.G.)

HOUSE JOINT RESOLUTION

COMMENDING MISS SUSAN GLASGOW DUNCAN OF SY-LACAUGA, 1983 ALABAMA TEXTILE QUEEN.

WHEREAS, the Alabama Legislature, in pleased concurrence, notes the selection of Miss Susan Glasgow Duncan of Sylacauga as our 1983 Alabama Textile Queen; and

WHEREAS, a native and former resident of Birmingham, Miss Duncan, is a graduate of Sylacauga High School and is now an 18-year-old freshman at Auburn University; and

WHEREAS, Miss Duncan, while in high school, was a varsity cheerleader, newspaper editor, a school columnist for the local newspaper, a Sophomore and Senior Class Beauty and was listed in Who's Who Among High School Students; and

WHEREAS, the lovely Miss Duncan also is a very talented young lady who is an accomplished singer, dancer and artist, and one who has excelled in dramatics and is an experienced model as well; and

WHEREAS, she is a member of the First United Methodist Church of Sylacauga where she is active in the Youth Choir and is a former member of her church handbell choir in Birmingham and her school's Christian Life Club; and

WHEREAS, Miss Duncan additionally has participated in a number of other competitions including the Miss Sylacauga Pageant; she further was named first alternate in the Talladega County Miss Farm Bureau Pageant and second alternate in the Talladega County Junior Miss Contest; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Miss Susan Glasgow Duncan on her many outstanding accomplishments and extend sincere congratulations on her selection as the 1983 Alabama Textile Queen.

BE IT FURTHER RESOLVED, That a copy of this commendatory resolution be sent to Miss Duncan with a copy also provided for her parents, Mr. and Mrs. Andrew Duncan, that they all may know of our great pride in Susan as our ambassador for Alabama's textile industry.

Approved February 2, 1983

Time: 5:25: P.M.

Act No. 83-46

H.J.R. 21—Rep. Waggoner

HOUSE JOINT RESOLUTION

EXTENDING BEST WISHES TO MRS. LULA TUBBS

SHAW OF BIRMINGHAM, ALABAMA.

WHEREAS, the Legislature of Alabama is pleased to note the 90th birthday, on January 27, 1983, of Mrs. Lula Tubbs Shaw of Birmingham, Alabama; and

WHEREAS, a native of Jasper, Alabama, Mrs. Shaw was born on January 27, 1983; she is the widow of the late Mr. James F. Shaw and they were the parents of two children, their daughter Charlye, now Mrs. James E. Wright, and their son Rosamond; and

WHEREAS, Mrs. Shaw, who is a beloved member of her community, is a longtime and active member of the Homewood Church of Christ where she is both faithful in attendance and in service; and

WHEREAS, it is further to be noted that Mrs. Shaw will be the honoree at a party hosted by her daughter to celebrate this happy occasion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the family and many friends of Mrs. Lula Tubbs Shaw of Birmingham, Alabama, in extending warm best wishes and congratulations on her 90th birthday.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mrs. Shaw that she may be aware of our sincere regard and of our desire for her continued good health and happiness for many more years to come.

Approved February 2, 1983

Time: 5:25 P.M.

Act No. 83-47

H.J.R. 27—Reps. Thomas, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (Al),

Johnson (R.G.), Johnson (Roy),
 Junkins, Kennedy, Kvalheim,
 Laird, Langford, Lauderdale,
 Layton, Lewis, McKee,
 McMillan, Manley, Martin,
 Mathis, Melton, Minus,
 Mitchell, Moore, Murphy,
 Nevett, Newman, Nicholson,
 Owens, Parker, Payne, Penry,
 Poole, Preuitt, Rains, Reed,
 Rice, Richardson, Rogers,
 Sasser, Scott, Seibels, Smith,
 Starkey, Starr, Stout, Thornton,
 Trammell, Tucker, Turner,
 Turnham, Venable, Waggoner,
 Warren, White (F), White (L),
 Williams, Wilson, Wright,
 Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. JOHN BAUGH AND MR. WILLIE THOMPSON AND EXPRESSING CONCERN FOR THOSE INJURED AS A RESULT OF A WILCOX COUNTY INDUSTRIAL ACCIDENT.

WHEREAS, the Alabama Legislature has been deeply shocked and is profoundly saddened by the deaths of Mr. John Baugh of Rogersville and Mr. Willie Thompson of Camden on January 26, 1983; and

WHEREAS, Mr. Baugh and Mr. Thompson lost their lives as the result of a tragic industrial accident when an explosion occurred in the power house section of a Wilcox County paper mill where they were employed; the accident also caused harm to some 11 other employees, with Mr. J. W. Frye and Mr. A. F. Sylvester most gravely injured; and

WHEREAS, it is indeed regrettable that an accident of such proportion has occurred in our state and we are gravely concerned for the families of those who lost their lives, for the victims so severely injured and for the companies involved, all of whom have our sympathy and support; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend deepest sympathy to the families of Mr. John Baugh and Mr. Willie Thompson, to whom copies of this resolution shall be sent.

BE IT FURTHER RESOLVED, That we also express concern

for the injured and their families, and for their employers; during this time of great adversity for them all.

Approved February 2, 1983

Time: 5:25 P.M.

Act No. 83-48

H.J.R. 29—Rep. Rains

HOUSE JOINT RESOLUTION

COMMENDING MR. VERLON WHITE OF GERALDINE,
DeKALB COUNTY, ALABAMA.

WHEREAS, Mr. Verlon White of Geraldine, Alabama, in addition to full-time employment with Reeves Rubber Company, also devotes a great deal of his effort, time and resources in working with his community's youth sports program, an endeavor of the past 16 years; and

WHEREAS, Mr. White, who has coached football, basketball and softball, once saw one of his football teams go 26 games, unbeaten; he also has coached several players who were later to become head coaches in local area high schools; and

WHEREAS, of particular note, however, is Coach White's Geraldine Sixth Graders basketball team which he organized just three years ago; a roster of fine young athletes who have made their coach justifiably proud with 50 consecutive victories out of 50 games played; and

WHEREAS, following their 50th win on January 8, 1983, the team presented Coach White with a commemorative plaque in appreciation for his dedication, talented tutelage and for his sacrificial efforts in their behalf; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Coach Verlon White of Geraldine, Alabama, for his care and concern for the youth of his community.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. White that he and his family may know of our warm praise and sincere regard.

Approved February 2, 1983

Time: 5:25 P.M.

Act No. 83-49

H.J.R. 30—Rep. Rains

HOUSE JOINT RESOLUTION**COMMENDING THE GERALDINE SIXTH GRADERS ON THEIR 50th BASKETBALL VICTORY.**

WHEREAS, the Alabama Legislature is both pleased and proud to note the 50th basketball victory on January 8, 1983, of the Geraldine Sixth Graders, an extraordinary group of young cagers who can further boast of a career team record of 50-0 in just three years; and

WHEREAS, when Coach Verlon White first organized the team, these outstanding young athletes were just small-fry third graders who were to play their first full schedule of games the following year; and

WHEREAS, during this three-year period, the team also out-scored its opponents 665-251, an amazing accomplishment for a group of athletes of any age; and

WHEREAS, it is further to be noted that these fine young men from Geraldine, participants in the community's youth sports program, have played and beaten such teams as those from Gadsden, Guntersville, Albertville and Boaz in addition to regular-schedule teams such as Henagar, Fyffe and Collinsville, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and extend tribute to the Geraldine, Alabama, Sixth Graders Basketball Team on its 50th consecutive victory and its perfect career record to date.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the team in care of their talented Coach, Mr. Verlon White.

Approved February 2, 1983

Time: 5:25 P.M.

Act No. 83-50

H.J.R. 31—Reps. White (L), Turnham

HOUSE JOINT RESOLUTION**COMMENDING FORMER TALLAPOOSA COUNTY SHERIFF JAMES T. FARROW.**

WHEREAS, the Alabama Legislature expresses sincere appreci-

ation to former Tallapoosa County Sheriff James T. Farrow whose tenure in office encompassed the years 1963 to 1983; and

WHEREAS, following his first term in office, Sheriff Farrow was subsequently re-elected to four successive four-year terms during which time he continued to render dedicated and invaluable service to the citizens of Tallapoosa County; and

WHEREAS, Sheriff Farrow also, prior to 1963, held the position of circuit clerk for a period of ten years for a total of 30 years in public office, an outstanding record matched by few of our state's citizens; and

WHEREAS, a lifelong resident of Tallapoosa County and an alumnus of Auburn University, Mr. Farrow is a Methodist, a United States Marine Corps veteran of World War II, and is a member of both the Alabama and the National Sheriffs Associations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein tender deep appreciation to former Tallapoosa County Sheriff James T. Farrow for meritorious service to the citizens of Tallapoosa County, and express sincere praise of his many accomplishments as a dedicated public servant.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Sheriff Farrow that he may be aware of our deep regard and of our warm best wishes for his every future success.

Approved February 2, 1983

Time: 5:25 P.M.

Act No. 83-51

H.J.R. 32—Rep. White (L)

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. ED WALLS ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary on January 13, 1983, of Mr. and Mrs. Ed Walls of Hackneyville, Alabama; and

WHEREAS, Mr. Walls and his lovely young bride, Miss Beuna Cleveland, were united in marriage on January 13, 1933, and have remained in said holy state for the past 50 years; and

WHEREAS, they have lived their lives as one and, in devotion each to the other, have remained steadfastly faithful to their mar-

riage vows, setting an enviable example for others; and

WHEREAS, Mr. and Mrs. Walls, the parents of six boys, have five remaining sons; they also have 11 grandchildren and two fine great grandchildren, all of whom gathered with other family and friends to help Mr. and Mrs. Walls celebrate this joyous occasion at a party held in their honor in the Reception Hall of the First Baptist Church of Hackneyville where they have long worshiped as members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the family and many friends in congratulating this exemplary couple, Mr. and Mrs. Ed Walls, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Walls that they may know of our congratulations and sincere best wishes for every future happiness.

Approved February 2, 1983

Time: 5:25 P.M.

Act No. 83-52

H.J.R. 33—Rep. Thornton

HOUSE JOINT RESOLUTION

COMMENDING DR. CHARLES S. MURRY, ASSISTANT DEAN OF MILES COLLEGE SCHOOL OF LAW.

WHEREAS, as Assistant Dean and a teaching professor at Miles College School of Law, Dr. Charles S. Murry serves as Director of the school's Special Projects Program, an undertaking which focuses on community service in a number of fields; and

WHEREAS, this commendable support program is designed solely for the purpose of benefiting, uplifting and developing people of the communities and its involvement primarily is in providing statewide consultant services in such areas as city planning, economic development, black lung benefits, social security, business development and voting rights, among others; and

WHEREAS, eminently qualified for such commanding positions, Dr. Murry is a graduate of Mohawk Valley Technical Institute in Electronic Technology and holds a B.A. Degree from Miles College, cum laude, as well as Master of Natural Sciences, in mathematics and physics, and Juris Doctor Degrees from Arizona State University and that University's School of Law, respectively; and

WHEREAS, Dr. Murry, who also is a United States Air Force veteran is the recipient of an inordinate number of awards, honors and accolades, including consequential recognition by his own Law Fraternity, Delta Theta Phi, as the recipient of its prestigious Teacher of the Year Award; and

WHEREAS, it is to be noted that further profile of Dr. Murry's responsible accomplishments and noteworthy contributions would merely prove repetitive of past recognitions of his achievement and extensive experience in a broad spectrum of areas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. Charles S. Murry for his many outstanding achievements and, most particularly, for his impressive accomplishments as Director of the Special Projects Program of Miles College School of Law.

BE IT FURTHER RESOLVED, That Dr. Murry receive a copy of this resolution that he may be aware of our sincere appreciation, admiration and utmost regard.

Approved February 2, 1983

Time: 5:25 P.M.

Act No. 83-53

H.J.R. 34—Rep. Murphy

HOUSE JOINT RESOLUTION

COMMENDING THE THOMPSON HIGH SCHOOL WARRIORS, ALABAMA'S STATE 3A FOOTBALL CHAMPIONS.

WHEREAS, the Alabama Legislature extends heartiest congratulations to the Thompson High School Warriors whose outstanding perfect season record, 14-0, culminated in a 14-11 win over Oxford High School and the 1982 State 3A Football Championship; and

WHEREAS, the Warrior's '82 championship was achieved under the direction and leadership of Head Coach Larry Simmons and his talented staff of assistants Ellie Glasscox, Donnie Kennedy, Denis Cobb, Thomas Johnson, Billy Woodham and Roddy Stamps; and

WHEREAS, in further congratulating Alabaster's Thompson High, it is to be noted that, in great team effort, the Warriors put a season total of 362 points on the board while holding their opponents to just 118 points for the season—an average of 25 points per

game for the Warriors and just 8.4 for their opposition; and

WHEREAS, with three shut-out games also to their credit, the Warrior's season statistics additionally show an incredible total yardage of 4,865 for the year and only 1,831 for the competition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Alabaster's Thompson High School as our State 3A Football Champions for 1982.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Simmons, on behalf of his staff and his championship Warriors, with a copy also provided for appropriate school display.

Approved February 2, 1983

Time: 5:25 P.M.

Act No. 83-54

H.J.R. 35—Reps. Holmes, Reed

HOUSE JOINT RESOLUTION

COMMENDING LIEUTENANT GOVERNOR GEORGE McMILLAN UPON THE CLOSE OF HIS DISTINGUISHED TENURE OF STATE LEADERSHIP.

WHEREAS, the Alabama Legislature is united in sincere appreciation to Lieutenant Governor George D. H. McMillan, Jr., for his distinguished service as Presiding Officer of the Alabama Senate; and

WHEREAS, Governor McMillan, a native of Greenville, in Butler County, Alabama, is a graduate of Auburn University, the University of Alabama's School of Law, and is a practicing attorney in Birmingham, and is a former member of both the Alabama House and Senate; and

WHEREAS, upon assumption of office four years ago, Governor McMillan pledged to the citizens of Alabama that he would strive to preside with strict impartiality at all times to assure a fair hearing of all issues brought before the Alabama Senate; he has been meticulously faithful to that pledge and the regard we hold for him speaks eloquently of our assessment that he has indeed kept the faith; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby ex-

press our warmest personal regard to Lieutenant Governor George D. H. McMillan, Jr.; we further most highly commend Governor McMillan for outstanding service and direct that he receive a copy of this resolution in declaration of our sincere affection and esteem.

Approved February 2, 1983

Time: 5:25 P.M.

Act No. 83-55

H.J.R. 7—Rep. Holmes

HOUSE JOINT RESOLUTION

COMMENDING COACH PAUL W. BRYANT OF THE UNIVERSITY OF ALABAMA.

WHEREAS, following his recent retirement as Head Football Coach at the University of Alabama, Coach Paul Bryant has been widely acclaimed for his numerous accomplishments and, most particularly, for his achievement of the all-time record for number of career victories for a collegiate coach; and

WHEREAS, Coach Bryant also, however, is to be most highly commended for his policy regarding the determination of which, and how often, each athlete would be played; and

WHEREAS, it is to be noted that immediately following the integration of Alabama's public schools, Coach Bryant promptly initiated, and has since adhered to, a policy determination based solely on athletic ability without regard to race, color, creed or national origin; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein bespeak both our appreciation and approval of Coach Bryant's fair and impartial policies regarding the football players and all athletes at the University of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Bryant in evidence of our sincere appreciation and regard.

Approved February 2, 1983

Time: 5:25 P.M.

Act No. 83-56

H.J.R. 8—Rep. Holmes

HOUSE JOINT RESOLUTION

ENCOURAGING ALABAMA'S CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION IN THE AREAS OF NATIONAL DEFENSE AND SOCIO-ECONOMICS.

WHEREAS, Alabama's Congressional Delegation, and those of the various States, are currently faced with issues in a number of areas most particularly vital to the well-being of our nation; and

WHEREAS, among the many problems to be met and conquered are those in the areas of national defense and socio-economics; and

WHEREAS, the Alabama Legislature is united in its concern that the United States be militarily armed to a degree sufficient to deter any aggressive action against our nation and to adequately protect our shores from attack; and

WHEREAS, it is equally as important, however, that the Congress also continue to support socio-economic legislation for aid to the aged, infirm and unemployed as well as our minority citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call upon our Congressional Delegation in Washington, D. C., to support such legislation as herein described and further direct that all delegation members receive a copy of this resolution.

Approved February 2, 1983

Time: 5:25 P.M.

Act No. 83-57

H.J.R. 10—Rep. White (F)

HOUSE JOINT RESOLUTION

REGARDING THE RETENTION OF GOVERNOR GEORGE C. WALLACE'S PORTRAIT IN THE STATE CAPITOL ROTUNDA.

WHEREAS, George C. Wallace is the only person to have been elected Governor of the State of Alabama four separate times; and

WHEREAS, George Wallace will hold an important position in the history of this nation; and

WHEREAS, the name of Governor Wallace is known nationally and internationally for his courageous political career; and

WHEREAS, George Corley Wallace is one of only two Alabamians to be a viable U. S. Presidential candidate; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the official portrait of Governor George C. Wallace is of such significant historical importance that it shall be displayed in the center rotunda of the first floor of the state capitol from this date henceforth.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Governor Wallace and the Alabama Historical Commission so that they may know of our intent that this historic portrait will be forever displayed.

Approved February 2, 1983

Time: 5:25 P.M.

Act No. 83-58

H.J.R. 19—Rep. Kvalheim

HOUSE JOINT RESOLUTION

URGING THE ALABAMA DEPARTMENT OF INDUSTRIAL RELATIONS TO RECONSIDER THE RELOCATION OF THE MOBILE LOCAL STATE EMPLOYMENT SERVICE AND UNEMPLOYMENT COMPENSATION OFFICE TO AN INACCESSIBLE LOCATION ON SPRINGHILL AVENUE.

WHEREAS, the Alabama Legislature, in consensus of opinion, is vehemently opposed to the relocation of the local Mobile State Employment Service and Unemployment Compensation Office to a remote and inaccessible site at 4617 Springhill Avenue, as has been proposed; and

WHEREAS, these two offices, now located in downtown Mobile, are so situated as to be readily reached by those in need of such services; and

WHEREAS, a consolidation and relocation of these two offices to such a remote, residential area would serve no purpose other than to create insolvable traffic problems and place an unnecessary burden on those in need of such services; and

WHEREAS, it is unthinkable to this body that such a move would ever be considered that would so add to the burden and plight of the unemployed in our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge and beseech the Alabama Department of Industrial Relations to reconsider its decision to relocate the Mobile local State Employment Service and Unemployment Compensation Office to the remote

Springhill Avenue site now proposed and to instead select a more centrally located office accessible to those it serves.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to inform the Director of the Alabama Department of Industrial Relations, by copy of this resolution, of this request of the Legislature.

This Act became a law under Section 125 of the Constitution on February 7, 1983 without approval by the Governor.

Act No. 83-59

H.J.R. 36—Reps. Johnson (Roy), Drake, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (Al), Johnson (R.G.), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholsom, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable,

Waggoner, Warren, White
(F), White (L), Williams,
Wilson, Wright, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF ALABAMA'S BELOVED COACH PAUL WILLIAM BRYANT.

WHEREAS, even now in shock and though sorely bereft in grief, the Alabama Legislature must share its sorrow with all our state, the nation and the world in the death, January 26, 1983, of Paul William Bryant, legendary coach and mentor to a legion of young athletes; and as grown men weep, his loss to us all is mirrored in their tears; and

WHEREAS, though a native of Arkansas, Coach Bryant was truly a first citizen of Alabama where he was schooled, and from whence he journeyed to take his first step to the pinnacle of his profession; and

WHEREAS, Coach Bryant returned to his beloved Alma Mater as Head Football Coach for the University of Alabama Crimson Tide some twenty-five years ago; it was here, among family, friends and hero-worshippers, that Coach Paul "Bear" Bryant amassed the great majority of his great victories to establish his record as the winningest coach in football history; and

WHEREAS, Coach Bryant was a man loved by all those whose lives he touched; a man greatly admired by his champions and rivals alike; and, above all, a man who epitomized a secret desire in us all—to succeed yet remain humble in achievement and to give so much, expecting so little in return; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Alabama's own Coach Paul William Bryant, expressing a desire that an appropriate period of mourning be observed throughout our state, in honor and loving memory of one whose singularity was in his capacity to give, and in a manner so free of vanity that it was a quality he never knew he possessed.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Coach Bryant's beloved wife, Mrs. Mary Harmon Bryant, and for their children and other family members for whom we are deeply concerned in their time of such great sorrow.

Approved February 2, 1983

Time: 5:25 P.M.

Act No. 83-60

H.J.R. 38—Reps. Wilson, Langford, Starr,
McKee, Thomas, Holmes

HOUSE JOINT RESOLUTION

COMMENDING MRS. PAULINE C. EUBANKS FOR MERITORIOUS SERVICE TO MONTGOMERY COUNTY, ALABAMA, AND OUR STATE.

WHEREAS, the recent retirement of The Honorable Pauline C. Eubanks as Circuit Court Clerk brought to a close a distinguished career of more than 25 years in meritorious service to Montgomery County and the State of Alabama; and

WHEREAS, as one of the most able and highly respected persons ever to serve in such capacity, Mrs. Eubanks has earned the admiration and regard of members of the Bar, statewide, and of litigants, witnesses, jurors and others of the public whom she has served so well through the years; and

WHEREAS, "Miz Polly," as she is widely and affectionately known, has been a ray of sunshine through her warmth and cheerfulness and, most particularly, has been a fountain of knowledge to the many young Montgomery attorneys who have sought and received her expert advice and assistance on numerous occasions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein bespeak our utmost commendation and regard of Mrs. Pauline C. Eubanks upon her retirement as Clerk of the Circuit Court of Montgomery, Alabama.

BE IT FURTHER RESOLVED, That in deep appreciation for her long years of distinguished public service, a copy of this resolution shall be provided for Mrs. Pauline C. Eubanks of Montgomery, Alabama.

Approved February 2, 1983

Time: 5:25 P.M.

Act No. 83-61

H.J.R. 41—Reps. Bowling, Drake

HOUSE JOINT RESOLUTION

COMMENDING THE CULLMAN COUNTY POULTRY ASSOCIATION.

WHEREAS, the Alabama Legislature notes with utmost pride that data not long released serves to confirm that Cullman County, Alabama, may well be the "Poultry Capital of the World"; and

WHEREAS, it has long been known that Cullman has led our state in poultry production for many, many years and has been among the top three producing counties, nationwide, for a decade or more; and

WHEREAS, recent compilations indicate, however, that Cullman now truly is the top contender for champion of poultry production throughout the world; and

WHEREAS, of even further importance is the profound economic impact of Cullman County's poultry industry on that area of our state with poultry processors, combined with growers and shippers, providing untold numbers of jobs and vast amounts of income and money to change hands in the area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of view, we hereby most highly commend the poultry industry of Cullman County, Alabama, as the "Poultry Capital of the World."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Cullman County Poultry Association that its membership may know of the Legislature's commendation, praise, and of our appreciation for Cullman County's economic contributions to the State of Alabama.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-62

H.J.R. 42—Reps. Martin, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes,

Horn, Howard, Johnson (Al),
 Johnson (R.G.), Johnson
 (Roy), Junkins, Kennedy,
 Kvalheim, Laird, Langford,
 Lauderdale, Layton, Lewis,
 McKee, McMillan, Manley,
 Mathis, Melton, Minus,
 Mitchell, Moore, Murphy,
 Nevett, Newman, Nicholson,
 Owens, Parker, Payne, Penry,
 Poole, Preuitt, Rains, Reed,
 Rice, Richardson, Rogers,
 Sasser, Scott, Seibels, Smith,
 Starkey, Starr, Stout, Thomas,
 Thornton, Trammell, Tucker,
 Turner, Turnham, Venable,
 Waggoner, Warren, White (F),
 White (L), Williams, Wilson,
 Wright, Zoghby

HOUSE JOINT RESOLUTION

ENCOURAGING THE UNITED STATES CONGRESS TO REPEAL THE PROVISIONS OF THE TAX EQUALITY AND FISCAL RESPONSIBILITY ACT OF 1982, REQUIRING THE PERIODIC WITHHOLDING OF TAXES FROM INTEREST ON SAVINGS ACCOUNTS AND DIVIDENDS.

WHEREAS, the Tax Equality and Fiscal Responsibility Act of 1982 which provides for the mandatory reporting and withholding of taxes on savings accounts and dividends at the time they are periodically distributed or credited to such accounts during the tax year; and

WHEREAS, such periodic withholding and reporting causes financial hardships on depositors, bondholders, stockholders, and many additional expenses on the financial institutions and corporations involved; and

WHEREAS, additional burdens are placed on accountants because of the red-tape created in accounting for and crediting properly the periodic tax withheld; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby petition the United States Congress to repeal the provisions of the Tax Equality and Financial Responsibility Act of 1982 requiring the periodic withholding and reporting of taxes from interest on savings accounts and dividends as they are distributed or credited to such

accounts during the tax year.

BE IT FURTHER RESOLVED, That in many instances the said tax will be withheld from citizens' savings accounts even though no income taxes would be owed on interest credited to such savings account by the taxpayers thereby penalizing any such taxpayers by their losing the compound interest that would otherwise have been paid on said amounts periodically withheld but not actually owed for taxes.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to each member of the Alabama Congressional Delegation.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-63

H.J.R. 43—Reps. Parker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (Al), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell,

Tucker, Turner, Turnham,
Venable, Waggoner, Warren,
White (F), White (L),
Williams, Wilson, Wright,
Zoghby.

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. KATHERINE H. ROBERTS OF HARTSELLE, ALABAMA.

WHEREAS, the Alabama Legislature grievously notes the death of Mrs. Katherine H. Roberts of Hartselle, Alabama, on January 12, 1983, at the age of 67 years; and

WHEREAS, the beloved wife of Mr. Luther E. Roberts, Mrs. Roberts was the mother of our good friend and former colleague in the Alabama House of Representatives, Mr. Tommy Ed Roberts; in addition to her husband and son, Tommy Ed, Mrs. Roberts also is survived by her son, Hewlett, and her daughter, Mrs. Edna Carol Weeks, by her mother, Mrs. Edna W. Hewlett, a sister, and five grandchildren; and

WHEREAS, Mrs. Roberts, a faithful and longtime member of the First United Methodist Church in Hartselle, also was active in numerous of her community's affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Katherine H. Roberts of Hartselle, Alabama, and extend our most heartfelt sympathy to all her family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Roberts' husband and children that they and other family members may be aware of our shared sorrow and of our concern for them in their time of grief.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-64

H.J.R. 44—Reps. Flowers, Grimsley,
Hammett, Mathis,
Smith, Faulk

HOUSE JOINT RESOLUTION

MEMORIALIZING THE CONGRESS AND U. S. AGRICULTURE SECRETARY JOHN BLOCK TO WORK FOR THE REPEAL OR REVISION OF THE FOOD AGRICULTURE ACT OF

1980.

WHEREAS, the Food Agriculture Act of 1980 effectively abolished peanut allotments and instead set up quotas or poundages for Alabama farmers and those nationwide; and

WHEREAS, this Act has severely punished peanut farmers in the Wiregrass area of Alabama and, in certain cases, has totally deprived many farmers of their means of livelihood; and

WHEREAS, those farmers, for example, who have historically had peanut allotments but who may have leased their acreage for two out of three years, have lost their quotas or poundages forever and may never again put the peanut farmland in cultivation; and

WHEREAS, during perhaps the most difficult times in our nation's history for the American farmer, it is inconceivable that our federal government would allow a statute to exist that is both punitive and contra-productive for our farmers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby memorialize the United States Congress and U. S. Agriculture Secretary John Block to fully support the repeal or revision of the Food Agriculture Act of 1980, so as to remove the restriction now imposed on the peanut farmers of Alabama and America.

BE IT FURTHER RESOLVED, That the Clerk of the House is hereby instructed to forward copies of this resolution to Secretary John Block, Senators Jeremiah Denton and Howell Heflin and to Representatives William Dickinson and Bill Nichols.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-65

H. 7—Reps. Carter, Butler, Thornton, Davis

AN ACT

Relating to Limestone County; providing a supplement to the salary of each court reporter, payable from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. Each court reporter of the judicial circuit composed of Limestone County shall be allowed and paid an additional supplement in an amount to be determined by the Limestone County Commission which shall be in addition to any and all other compensation or expense allowances provided for by law. Said supplement shall be paid out of the general fund of Limestone County.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-66

H. 21—Rep. Minus

AN ACT

Relating to Sumter County; prescribing certain guidelines for employing and compensating certain personnel in the sheriff's office in said county and providing that the salary of the sheriff's secretary shall be paid from the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Sumter County shall at all times have a staff of at least five deputies sheriff who shall be hired by said sheriff. The secretary to the sheriff shall likewise be hired by the sheriff and the salary of such secretary shall be paid in equal monthly installments from the county general fund and shall be comparable to the salary paid to deputy clerk in the office of the clerk of the circuit court in Sumter County.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-67

H. 35—Rep. Hammett

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Florala in Covington County, Alabama, so as to include within the corporate limits of said city certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Florala in Covington County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said city, in addition to the territory now included therein, all of

the following territory, to wit:

The South quarter of Section 13, Township 1 North, the Southeast quarter of the Southeast quarter of Section 14, Township 1, North, Range 17 East.

All of Sections 23, 24, 25, 26, 27 and 36 of Township 1 North, Range 17 East.

That Northern Part of Section 19, and that Northern Part of Section 30 to the Florida Line in Township 6 North, Range 20 West.

That Northern Part of Section 24, and that Northern Part of Section 25 to the Florida Line in Township 6, North, Range 21 West.

That Eastern one-half of Section 21, and that Eastern one-half of Section 28 to the Florida Line in Township 6 North, Range 21 West.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-68

H. 36—Rep. Hammett

AN ACT

Relating to Covington County; to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county; and to repeal Act No. 1692, H. 2459, 1971 Regular Session, (Acts 1971, p. 2838).

Be It Enacted by the Legislature of Alabama:

Section 1. In Covington County, in each civil or quasi-civil action at law, suit in equity, criminal or quasi-criminal case or any other proceeding filed in, arising in, or brought by appeal, certiorari, or otherwise in the circuit court, inferior court or other court in the county, including municipal courts there shall be taxed as part of the costs the sum of three dollars (\$3.00). The fees taxed under this act shall be collected as other costs in such cases are collected; and when collected by the clerk or other collecting officers of such courts (including the register of the circuit court) shall be paid to the treasurer or depository as herein set forth. The sums so paid over to the county treasury or depository shall be maintained in a separate ac-

count in the county treasury or depository designated as the county law library fund. Said funds shall be expended by the judges of the circuit court of the county for establishing, maintaining, equipping and operating a law library within the county. The said judges shall authorize the county treasurer to draw warrants on the county treasury or depository in making expenditures for the purposes contemplated in this act and shall indicate on the warrants the fund against which the warrants are drawn. The said items of costs referred to above shall be designated as law library fees; and when any part of the costs in a case has been paid, the amount necessary for the payment of said fee shall be applied thereto before applying any of the amount paid as costs to any other item of costs. On or before the tenth day of each month, the clerks or other collecting officers of the courts (including the register of the circuit court) shall pay over to the county treasurer or depository all amounts collected as law library fees prior to the first day of the month. The management of the law library is rested in the judges of the circuit court in the county. All books or other property purchased with the funds produced by this act shall be the property of the county.

Section 2. All laws or parts of laws which conflict with this act are repealed and specifically Act No. 1692, H. 2459, 1971 Regular Session, (Acts 1971, p. 2838) is hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-69

H. 5—Reps. Johnson (Roy), Drake, Casey, Blake, Brakefield, Bennett, White (L), Coleman, Mitchell, White (F), Smith, Venable, Biddle, Scott, Crow, Ashley, Mathis, Thornton, Davis, Layton, Rice, Hammett, Grimsley, Newman

AN ACT

To create a department of corrections headed by and under the direction, supervision and control of a commissioner of corrections and to provide for his appointment and term of office and compensation; to transfer to the department all powers, authority and responsibilities which, prior to the enactment of sections 14-1-15 through 14-1-17, Code of Alabama 1975, as amended, were vested in the board of corrections and which by such statutes were transferred to the governor of the state of Alabama; to provide for the appointment of deputy commissioners by the commis-

sioner to serve at his pleasure and to provide for their compensation, and to repeal conflicting laws and specific statutes pertaining to the governor and the former board of corrections and any inconsistencies contained in Title 14, Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Code of Alabama 1975, as amended, which conflict with or are inconsistent with any provision of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the Alabama department of corrections, hereinafter referred to as "the department" which shall have all of the duties, responsibilities, authority, power, assets, liabilities, property, funds, appropriations, contractual rights and obligations, property rights and personnel, whether accruing or vested, by operation or by law and which are not in conflict with this act which, prior to the enactment of sections 14-1-15 through 14-1-17, Code of Alabama 1975, as amended, were vested in a board of corrections and which, by virtue of such statutes, vested in the governor of the state of Alabama.

Section 2. The department shall be an administrative department responsible for administering and exercising direct and effective control over penal and corrections institutions throughout this state.

Section 3. The department shall be headed by and under the independent direction, supervision and control of a commissioner of corrections, hereinafter referred to as "the commissioner," who shall be appointed by and serve at the pleasure of the governor. The governor is hereby authorized to set the salary of the commissioner at the same level of any cabinet officer or at a reasonable level in excess thereof. The commissioner, without additional compensation, shall also serve as and exercise the authority, functions and duties of the commissioner of corrections as that position otherwise exists under the laws of Alabama, it being the intention of this act that there be but one commissioner of corrections.

Section 4. The commissioner shall be a person of good character, of good business experience and experience in the administration of correctional systems, shall have no financial interest in any partnership, corporation or association with which the department has any financial dealings and shall devote his full time to his official position and shall hold no other lucrative position while serving as such. Before entering upon the duties of his office, the commissioner shall take the constitutional oath of office and execute to the state of Alabama a bond, to be approved by the governor, in an amount to be fixed by the governor, but not less than \$10,000, for the faithful performance of his duties.

Section 5. The commissioner shall have the authority to appoint no more than three deputy commissioners who shall serve at

his pleasure, and to define their duties. The deputy commissioners shall be persons of good character, of good business, educational or administrative experience, shall have no financial interest in any partnership, corporation or association with which the department has any financial dealings and shall devote their fulltime to their official position and shall have no other lucrative position while serving as such. Their salaries shall be set by the commissioner but shall not exceed the salary paid the commissioner.

Section 6. All laws or parts of laws whether local, special or general in conflict with this act are hereby specifically repealed to the extent that they are inconsistent or directly conflict with provisions of this act.

Section 7. Specifically, all laws or parts of laws in Title 14, Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, which are inconsistent with or directly in conflict with the provisions of this act are repealed.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 2, 1983

Time: 5:30 P.M.

Act No. 83-70

H.J.R. 12—Reps. Turner, Clikas, Harper,
Gaston, Kvalheim, Clark,
Buskey, Kennedy, Zoghby,
Box

HOUSE JOINT RESOLUTION

CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE IMPACT OF THE COMPLETION OF THE TENNESSEE-TOMBIGBEE WATERWAY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of four members of the House of Representatives to be appointed by the Speaker and four members of the Senate to be appointed by the Lieutenant Governor. The committee shall study all aspects of the impending completion of the Tennessee-Tombigbee Waterway including the impact

that its completion shall have on the State of Alabama. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total of such expenses shall not exceed \$7,000.

Approved February 2, 1983

Time: 5:30 P.M.

Act No. 83-71

H.J.R. 52—Rep. Waggoner

HOUSE JOINT RESOLUTION

COMMENDING BERRY HIGH SCHOOL, BIRMINGHAM, ALABAMA, AS STATE 4-A FOOTBALL CO-CHAMPIONS FOR 1982.

WHEREAS, the Alabama Legislature notes with congratulatory praise the State Co-championship Football Title captured by Berry High School of Birmingham; and

WHEREAS, in Class 4-A competition, Berry High finished their regular season with a winning 6-3-1 record, traveling to the State Playoffs as Region 7 Champions; and

WHEREAS, Berry then racked up big wins over Banks, Tuscaloosa and Anniston, totaling 89 points over the three teams' 35-point total; and

WHEREAS, in the title tilt against a formidable and fired-up Enterprise High, the two teams battled it out before wildly cheering fans to end with a 10-10 tie and each with a share of the 4-A Championship for 1982; and

WHEREAS, leading his team to such an outstanding season was Berry's talented Head Coach Bob Finley and his staff of able

assistant coaches Larry Harbin, Larry Giangrosso and Trainer Wayne Kendrick; and

WHEREAS, most particularly to be commended, however, are the Berry High School champs who, both individually and as a team, gave it their all with outstanding performances the entire season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate and commend Birmingham's Berry High School, State 4-A Football Co-champions for 1982.

BE IT FURTHER RESOLVED, That Coach Finley receive a copy of this resolution, on behalf of his staff, managers and team, with a copy also provided for appropriate school display.

Approved February 2, 1983

Time: 5:30 P.M.

Act No. 83-72

H.J.R. 24—Rep. Holley

HOUSE JOINT RESOLUTION

CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an Interim Committee on Finances and Budgets to meet during the interim periods between the regular sessions of the Legislature, during which periods the members, including ex officio members, shall each be entitled to, and shall receive, the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session, and in the same manner and under the same conditions as when they meet in legislative session. Provided, however, that said Committee shall not be paid for more than 30 calendar days in any single interim period. The compensation of Committee employees shall be paid as provided in Sections 29-1-9 and 29-1-10 of the Code of Alabama 1975. It shall be the duty of the Committee to make a careful investigation and study of the financial condition of the state, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the Chairman and Deputy Chairman of the Senate Committee on Finance and Taxation and seventeen members of the Committee on

Finance and Taxation to be appointed by the Lieutenant Governor, the President Pro Tempore of the Senate, the Lieutenant Governor, and the members of the House Standing Committee on Ways and Means, the Speaker Pro Tempore of the House, and the Speaker of the House, and four additional members of the House to be appointed by the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio voting members of the Committee.

The Chairman of the Senate Committee on Finance and Taxation and the Chairman of the House Ways and Means Committee shall be Co-Chairmen. The said Co-Chairmen shall set the schedule and program for committee work. The said Co-Chairmen shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the Committee. The said Co-Chairmen may appoint subcommittees and invest them with such authority as may be deemed necessary to conduct the Committee's business and expedite its work. The Committee may employ such clerical and expert assistance as the Committee may find necessary in performing its duties.

All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate fully with the Committee and shall furnish any and all information that may be requested by the Committee.

BE IT FURTHER RESOLVED, That the final report of the Committee, along with findings and recommendations, shall be submitted to the Governor and to each member of the Legislature no later than the fifth legislative day of the regular session. Said Committee shall terminate November 1, 1986.

Approved February 2, 1983

Time: 5:30 P.M.

Act No. 83-73

S. 3—Senator Denton

AN ACT

To amend Code of Alabama 1975, Section 5-5A-20, so as to provide that the Superintendent of Banks may authorize the opening of a branch in any county if the Superintendent of Banks deems it necessary to protect the public where any bank, state or national, has been closed, is in danger of closing, or otherwise is involved in severe financial condition threatening the stability of a significant number of banks or banks possessing significant financial resources.

Be It Enacted by the Legislature of Alabama:

Section 1. Amend Section 5-5A-20, Code of Alabama 1975, so as to read as follows:

§ 5-5A-20. Branch banks.

No bank, or any officer, agent or director thereof, shall be permitted to establish a branch or office for the transaction of the banking business other than at its principal place of business, in any county in this state, except as has been heretofore or which may hereafter be provided by local laws or general laws of local application. All existing branch banks are hereby validated.

Provided, however, the superintendent of banks may authorize the opening of a branch in any county if the superintendent of banks deems it necessary to protect the public where any bank, state or national, has been closed, is in danger of closing, or otherwise is involved in severe financial condition threatening the stability of a significant number of banks or banks possessing significant financial resources- if the bank opening such branch purchases certain assets and assumes the deposit liabilities of the closed or endangered bank.

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-74

S. 11—Senators Smith (J), Bishop and Teague

AN ACT

To provide that the state or any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, in fully registered form without coupons.

Be It Enacted by the Legislature of Alabama:

Section 1. The state, and each county, municipality, board of education, political subdivision, public instrumentality, public cor-

poration or other public entity howsoever identified, which is authorized by law to issue bonds, warrants, notes, certificates of indebtedness or other securities howsoever identified is hereby further authorized to issue any such securities in fully registered form without coupons.

Section 2. This law shall not repeal any existing law which authorizes the issuance of securities in any other form but no such existing law shall be construed to prohibit the issuance of securities in the form permitted by Section 1 hereof or to require that securities be issued in any form other than that permitted hereby.

Section 3. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming law.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-75

S. 12—Senators Smith (J), Bishop and Teague

AN ACT

To authorize each county in this state to sell and issue from time to time interest-bearing warrants for the purpose of paying costs of erecting necessary public buildings, bridges and roads in such county, and acquiring land therefor; to provide that such warrants shall evidence general obligation indebtedness of the county; to provide that such warrants may, at the discretion of the governing body of the county, be additionally secured by a pledge or pledges of the proceeds from certain taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; and to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county and any tax proceeds and revenues, or either, pledged to the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Intent. It is the intention of the Legislature by the passage of this act to authorize each county in the state to finance the costs of erecting necessary public buildings, bridges and roads, and acquiring land therefor, in such county by the sale and issuance of interest-bearing warrants of such county, and to refund any warrants issued hereunder. This act shall be liberally construed in conformity with the said intention.

Section 2. Authorization of Issuance of Warrants. Each county shall have the power from time to time to sell and issue interest-bearing warrants of such county for the purpose of paying costs to that county of erecting necessary public buildings, bridges

and roads in such county and acquiring land therefor. Such warrants may be in such denomination or denominations, may have such maturity or maturities not exceeding 30 years from their date, may bear interest from their date at such rate or rates payable at such times, may be payable at such place or places within or without the state, may be sold at such time or times and in such manner, whether publicly or privately, may be executed in such manner, and may contain such terms not in conflict with the provisions of this act, all as the governing body of such county may provide in the proceedings wherein the warrants are authorized to be issued. All such warrants shall evidence general obligation indebtedness of the county by which they are issued, and the full faith and credit of the county shall be irrevocably pledged for the payment of the principal thereof and interest thereon. The proceeds derived from the sale of any such warrants shall be used solely for the purpose for which they are authorized to be issued, including the payment of any expenses incurred in connection with the issuance thereof.

Section 3. Special Pledges. The governing body of the county issuing any such warrants may, in its discretion assign and specially pledge, for the payment of the principal of and interest on such warrants, so much as may be necessary for said payment of any one or more of the following (or any part thereof):

(a) the proceeds from the general annual ad valorem tax which the county is authorized to levy without reference to the purpose thereof under the provisions of Section 215 of the Constitution of Alabama of 1901;

(b) the proceeds from the ad valorem tax which the county is authorized to levy under the provisions of Section 215 of the said constitution for the purpose of paying any debt or liability created for the erection of necessary public buildings, bridges or roads, to the extent such proceeds may lawfully be used by the county for the payment of such principal and interest; and

(c) the proceeds from any other tax (including any ad valorem tax and any privilege, license or excise tax) that at the time of the issuance of the said warrants may lawfully be used by the county for the payment of such principal and interest.

To the extent necessary and sufficient for making the payments in respect to which such pledge is made, any tax pledged pursuant to the provisions of this section shall constitute a trust fund or funds which shall be impressed with a lien in favor of the holders of the warrants to the payment of which such sums are pledged. In the event that more than one pledge should be made with respect to any tax the pledge of which is herein authorized, then such pledges shall take precedence in the order in which they are made unless the pro-

ceedings making such pledge shall expressly provide that such pledge shall be on a parity with or subordinate to a subsequent pledge of the said tax. All warrants for which the pledge authorized in this section may be made shall constitute preferred claims against that portion of the said tax or taxes so pledged, and shall have preference over any claims for any other purpose whatsoever.

Section 4. Authorization of Refunding Warrants. Each such county may in like manner from time to time issue refunding warrants, either by sale or by exchange, for the purpose of refunding a like or greater principal amount of warrants then outstanding which were issued under the provisions of this act and the interest thereon and paying any premium necessary to be paid to retire the outstanding warrants refunded thereby and the expenses estimated to be incurred by such county in connection with the sale and issuance of such refunding warrants. The provisions of this act applicable to the warrants so refunded shall likewise be applicable to such refunding warrants.

Section 5. Warrants to be Legal Investments for Trust Funds. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers, invest trust funds in warrants issued under the provisions of this act.

Section 6. Issuance of Warrants Deemed to Constitute Audit and Allowance of Claim. The issuance of warrants and any interest coupons applicable thereto, pursuant to the provisions of this act and in accordance with the authorization of the governing body of the county issuing such warrants, shall be deemed to constitute an audit and allowance by such governing body of a claim, in the aggregate amount of such warrants and the interest thereon, against the county and against any tax proceeds and any revenues, or either thereof, pledged for payment of such warrants pursuant to the provisions of this act. No proof of registration or other audit or allowance of such claim shall be required and such warrants and the interest thereon shall, from and after the date of their lawful issuance, be deemed to be allowed claims against the county by which they were issued and against any tax proceeds so pledged therefor.

Section 7. Provisions Hereof Control. Insofar as the provisions of this act may be inconsistent with the provisions of any other law, the provisions of this act shall control, it being hereby specifically declared that the provisions of Section 11-8-10 of the Code of Alabama of 1975 shall not be applicable to the warrants issued under the provisions of this act.

Section 8. Severability. If any clause or provision of this act shall be, or be declared to be, invalid, any such invalidity shall not affect any other clause or provision hereof that is not in itself invalid.

Section 9. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-76

S. 13—Senators Smith (J), Bishop and
Teague

AN ACT

To provide that the state and any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, with facsimile signatures of all executing or attesting officers, officials or representatives of the issuer and a facsimile of the corporate seal, if any, of the issuer, if such securities are required to be authenticated by the manual signature of the registrar of such securities.

Be It Enacted by the Legislature of Alabama:

Section 1. In any instance where any bond, warrant, note, certificate of indebtedness or other security howsoever designated is authorized to be issued by the state, or by any county, municipality, board of education, political subdivision, public instrumentality, public corporation or other public entity howsoever identified and is required or permitted to be executed, attested, registered other than as to ownership or authenticated by one or more of its officers or other persons, a facsimile of the signature of any one or more of the officers or persons executing, attesting, registering or authenticating the same may be imprinted or reproduced on such security if such security is required to be authenticated by the manual signature of the duly designated registrar of such securities, or an authorized officer of such registrar. Any seal required or permitted to be affixed or impressed on such security may be imprinted or otherwise reproduced thereon in facsimile.

Section 2. This law shall not repeal or supersede any other law which authorizes execution, attestation, registration or authentication of securities by facsimile signature or imprinting or other reproduction thereon of any seal, but shall be construed as cumulative authorization thereof.

Section 3. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming law.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-77

S. 21—Senators Goodwin, Kirkland, Keener,
Covington, Mitchem, Teague,
Bishop, Bailey, Bedsole and Parsons

AN ACT

To make an appropriation of Trust Income from the Alabama Heritage Trust Income Account to the Alabama Medicaid Agency for the ordinary expenses of state government for the fiscal year ending September 30, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the Alabama Heritage Trust Income Account, as a transfer to the Alabama Medicaid Agency, income in the amount of \$3,283,038.90, which sum represents earned-unappropriated monies remaining in the Alabama Heritage Trust Income Account on September 30, 1982. In addition there is appropriated from the Alabama Heritage Trust Income Account to the Alabama Medicaid Agency all fiscal year (1982-83) earnings which exceed for the year interest and principal on the \$520,000,000 bond issue authorized by Act No. 81-1183. This transfer may be made on actual or projected figures. The sum total is hereby made an absolute non-proratable appropriation over and above any appropriations heretofore made to the Alabama Medicaid Agency for the fiscal year 1982-83 and may be made in whole or in part at the discretion of the Governor.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-78

S. 22—Senators Goodwin, Kirkland, Keener,
Covington, Mitchem, Teague,
Bishop, Bailey, Bedsole, Cooley,
Boyington and Parsons

AN ACT

To amend Sections 36-17-8 and 36-17-10 of the Code of Alabama 1975, relating to the procedure for the treasurer in paying principal and interest on bonded indebtednesses and the payment on bonded indebtedness by the fiscal agent, so as to provide further for such procedure, the time-frame for the transfer of funds, and the bank designations; and to provide for certain exceptions as to existing bond debentures; to specifically repeal Sections 36-17-7 and 36-17-9 of the Code of Alabama 1975, relating to the designation of a fiscal agent for bond issue payments and the method of sending money for payment of indebtedness to the fiscal agency in only such city.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 36-17-8 and 36-17-10 of the Code of Alabama 1975 are hereby amended to read as follows:

“Section 36-17-8.

“(a) Not less than fifteen nor more than thirty days before the due date of principal and interest on each of the respective issues of bonded indebtedness, the treasurer must certify to the comptroller the amount of money needed to pay the principal and interest falling due on that date, and for any expenses necessarily incurred by the fiscal agent in the discharge of its duties. The comptroller shall draw his warrant on the treasury in favor of the treasurer for such amount to be paid out of any fund appropriated for the payment of principal and interest and expenses.

“(b) not more than 15 business days before the actual due date of principal and interest, the treasurer shall remit to the fiscal agent, by wire transfer or draft, the total amount of principal, interest, and expenses of the fiscal agent, due on said bond.”

“(c) for the purpose of paying principal and interest on any issues of funded indebtedness, the treasurer with the written consent of the Governor, shall designate no more than two banks, one or more within the State of Alabama and, if necessary one which may be from outside the State of Alabama.”

“(d) In the event that any issues of bonded indebtedness existing, prior to the date of enactment of this section, provide by the terms of the issue an alternate means of paying principal and interest, including but not limited to the establishment of a sinking fund or advance payment, then such payment shall be made in accordance with the terms of such bond indenture.

"Section 36-17-10. It is the duty of the fiscal agent to pay the interest on the bonded indebtedness of the state, upon presentation of the proper coupons and checks and, upon payment, to immediately cancel such coupons and checks and to forward the same to the treasurer, by express or otherwise, as he directed."

Section 2. Sections 36-17-7 and 36-17-9 of the Code of Alabama 1975, are hereby specifically repealed, and all laws or parts of laws which are in conflict or are inconsistent with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-79

S. 23—Senators Goodwin, Kirkland, Keener, Covington, Mitchem, Teague, Bishop, Bailey, Bedsole, Cooley, Boyington and Parsons

AN ACT

To amend Section 40-5-36, Code of Alabama 1975, so as to require the tax collector of each county to report tax collections twice a month throughout the year.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-5-36, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-5-36. The tax collector on October 15 of each year and on the first and fifteenth day of each month thereafter shall make under oath, to the county treasurer or school treasurer or, if there is no county treasurer or school treasurer in the county, to the custodian of the funds of the county and schools, an itemized report in writing, a copy of which shall be by the collector forwarded to the comptroller, and a copy filed with the probate judge, setting forth separately the taxes, interest and penalties collected by him for the state, county and schools since the making of his last report; and within five days after making such report, he must pay to the state treasurer all state taxes, interest and penalties then due from him to the state, and he must also pay to the county treasurer and to the

school treasurer or, if there is no county treasurer or school treasurer in the county, to the custodian of the funds of the county and of the schools, all county taxes, interest and penalties and all school taxes, interest and penalties then due from him to the county and to the schools, by him before that time collected. Where any official other than a tax collector is charged with the collection of ad valorem taxes on automobiles, such official may make his said reports and distribution of ad valorem taxes collected on automobiles, trucks, trailers, motorcycles and all other motor vehicles at the same time he distributes money received by him for motor vehicle licenses. The county treasurer and the school treasurer, or if there is no county treasurer or school treasurer in the county, then the custodian of the funds of the county and of the schools, shall give to the collector a receipt in duplicate of such semimonthly payment, one of which duplicates shall be promptly forwarded to the comptroller by the tax collector. If no collection of taxes, interest or penalties have been collected by the collector prior to any reporting date, he shall make the report herein required stating under oath that no taxes, interest or penalties were collected during the period for which report is made. Should report and payment of taxes, interest and penalties herein required not be made within 10 days after same is due, the comptroller shall immediately notify the chief examiner of public accounts, who shall forthwith cause the books of the official to be examined, and the comptroller shall also immediately notify the tax collector's bondsmen, who may within 30 days from date of notice from the comptroller withdraw from further responsibility as such bondsmen by giving 15 days' notice by certified or registered mail to the tax collector, the probate judge of the county and the comptroller, but such bondsmen shall not be relieved of any responsibility with respect to the tax collector arising during the time they are on his bond. When the bondsmen on a tax collector's bond serve notice of their desire to withdraw from the responsibility as such bondsmen as herein provided, it shall be the duty of the tax collector to make, on or before the withdrawal date of his then bondsmen, a new bond in an amount and with such surety as may be required by law. Upon failure of the tax collector to make such new bond, the comptroller shall notify the governor that a vacancy exists in the office of tax collector of the county, and the governor shall appoint a tax collector to serve the remainder of the term for which the former tax collector was elected or appointed to serve. The tax collector appointed to serve the remainder of the term shall, before entering upon the duties of the office, make bond in the amount and with such surety as is required by this Code."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-80

S. 25—Senators Goodwin, Kirkland, Keener,
Covington, Mitchem, Teague,
Bishop, Bailey, Bedsole, Cooley,
Boyington, and Parsons

AN ACT

To amend Section 41-14-34 of the Code of Alabama 1975 regarding payment of interest to the State.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-14-34 is hereby amended to read as follows:

(a) Interest shall be calculated on the basis of the contracts existing with respect to time deposits, open account, and shall be payable monthly to the state treasurer and by that officer paid into the state treasury to the credit of the general fund of the state.

(b) In the event of an emergency, the treasurer is authorized to comply with applicable banking regulations in order to receive all or any portion of the funds placed on time deposits, open account, on shorter notice than the agreement provides and to forfeit such amount of accrued and unpaid interest as may be required by such regulations. (Acts 1967, No. 3, p. 336, § 5).

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-81

S. 29—Senators Smith (B), Barron and
Smith (J)

AN ACT

To amend Section 16-18-1 of the Code of Alabama 1975, relating to public educational building authorities, so as to permit a public educational building authority to provide facilities to an educational institution indirectly through a private person, firm or corporation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-18-1 of the Code of Alabama of 1975 is amended to read as follows:

For the purposes of this chapter, the following words and phrases shall have the following respective meanings:

(1) **ANCILLARY IMPROVEMENTS.** Educational and related facilities of every kind including, but without limitation to, classrooms, scientific and other laboratories, libraries, auditoriums, gymnasiums, cafeterias, dining rooms, dormitories, student and faculty apartments, student union buildings, recreational and social facilities, student and faculty infirmaries and clinics and facilities for washing, laundering and cleaning clothing and fabrics of every kind, or any combination of any thereof, and shall also include equipment and furniture and fixtures used or useful in educational and related facilities of every kind. Nothing herein shall be construed as authorizing the construction of buildings for primarily commercial purposes.

(2) **APPLICANT.** A natural person who files a written application with the governing body of any municipality in accordance with the provisions of Section 16-18-3.

(3) **AUTHORITY.** Any public corporation organized pursuant to the provisions of this chapter.

(4) **BOARD.** The board of directors of an authority.

(5) **BONDS.** Bonds, notes and certificates representing an obligation to pay money.

(6) **CONSTRUCTION and CONSTRUCT:**

a. The construction of new buildings and the expansion, remodeling and alteration of existing buildings; and

b. The equipment and furnishing of new buildings and existing buildings, whether or not expanded, remodeled or altered.

(7) **COUNTY.** Any county in the state.

(8) **DETERMINING MUNICIPALITY.** Any municipality the governing body of which shall have made findings and determinations of fact in accordance with the provisions of section 16-18-3.

(9) **DIRECTOR.** A member of the board of directors of the

authority.

(10) **EDUCATIONAL INSTITUTIONS.** Every college, university, graduate school, professional school, junior college, trade school, elementary school, secondary school, and every institution for education and training of the deaf, blind or mentally retarded, heretofore or hereafter established or acquired under statutory authorization of the legislature of Alabama and existing as public institutions of learning supported in substantial part by state appropriations or by revenues derived from taxation.

(11) **GOVERNING BODY.** The council, commission or other like governing body of a municipality.

(12) **INCORPORATORS.** The persons forming a public corporation organized pursuant to the provisions of this chapter.

(13) **MUNICIPALITY.** An incorporated city or town of the state.

(14) **PERSON.** A natural person, a public or private corporation, a municipality, a county or an agency, department or instrumentality of the state or of a county or municipality.

(15) **PROPERTY.** Real and personal property, and interest therein.

(16) **STATE.** The state of Alabama.

(17) **HEREIN, HEREBY, HEREUNDER, HEREOF.** Refer to this chapter as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein, any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Whenever in this chapter any power is given to an educational institution, or whenever references is made to any action by an educational institution, such power shall extend to and may be exercised by the board of trustees or other body having general supervisory power over the educational institution.

Whenever in this chapter any power is given to an authority to lease ancillary improvements to an educational institution or to an educational institution to lease such ancillary improvements from an authority, such power shall include the power of such authority to lease such ancillary improvements, other than dormitories and student and faculty apartments, to, and the power of such educational institution to sublease such ancillary improvements from, a private person, firm or corporation, but only if at the time of the execution

of such a lease to a private person, firm or corporation, such a sub-lease shall have been executed with respect to the same ancillary improvements, other than dormitories and student and faculty apartments. All such lease agreements with educational institutions and schools must be approved by the governing body of said institution or school.

Section 2. This act shall become effective upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-82

S.J.R. 20—Senators Little, Barron, Teague
and Corbett

SENATE JOINT RESOLUTION

COMMENDING COACH PAT DYE AND THE AUBURN UNIVERSITY TIGERS.

WHEREAS, the Alabama Legislature, in expression of deep pride and pleasure, extends warmest congratulations to Coach Pat Dye and his 14th-ranked Auburn Tigers; and

WHEREAS, we further pridefully note that the Tigers played their 1982 season before a record 739,000 fans, with more than one-half million of those loyal enthusiasts filling Auburn's Jordan-Hare Stadium for the AU home games; and

WHEREAS, Auburn University also had nine players on the Associated Press All-Conference Team with four players named to the Academic All-Conference team, a number which exceeds that of any other SEC team; and

WHEREAS, following an impressive 8-3 regular season, the Tigers traveled to Orlando, Florida, and on December 18, 1982, soundly trounced Boston College, 33-26, playing in the Tangerine Bowl before a capacity crowd of 52,000—Auburn's second consecutive '82 bowl victory, with their first, of course, the 1982 Iron Bowl Classic, 23-22, Auburn over Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Coach Pat Dye and Auburn University on their outstanding 1982 football season.

BE IT FURTHER RESOLVED, That Coach Dye receive a copy of this resolution, on behalf of his entire staff and team, with a

copy also forwarded to President Hanly Funderburk for appropriate school display.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-83

S.J.R. 44—Senators deGraffenried, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J) and Teague

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF ALABAMA'S BELOVED COACH PAUL WILLIAM BRYANT.

WHEREAS, even now in shock and though sorely bereft in grief, the Alabama Legislature must share its sorrow with all our state, the nation and the world in the death, January 26, 1983, of Paul William Bryant, legendary coach and mentor to a legion of young athletes; and as grown men weep, his loss to us all is mirrored in their tears; and

WHEREAS, though a native of Arkansas, Coach Bryant was truly a first citizen of Alabama where he was schooled, and from whence he journeyed to take his first step to the pinnacle of his profession; and

WHEREAS, Coach Bryant returned to his beloved Alma Mater as Head Football Coach for the University of Alabama Crimson Tide some twenty-five years ago; it was here, among family, friends and hero-worshippers, that Coach Paul "Bear" Bryant amassed the great majority of his great victories to establish his record as the winningest coach in college football history; and

WHEREAS, Coach Bryant was a man loved by all those whose lives he touched; a man greatly admired by his champions and rivals alike; and, above all, a man who epitomized a secret desire in us all—to succeed yet remain humble in achievement and to give so

much, expecting so little in return; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Alabama's own Coach Paul William Bryant, expressing a desire that an appropriate period of mourning be observed throughout our state, in honor and loving memory of one whose singularity was in his capacity to give, and in a manner so free of vanity that it was a quality he never knew he possessed.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Coach Bryant's beloved wife, Mrs. Mary Harmon Bryant, and for their children and other family members for whom we are deeply concerned in their time of such great sorrow.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-84

S.J.R. 52—Senator Little

SENATE JOINT RESOLUTION

RECOMMENDING TO THE AUBURN UNIVERSITY BOARD OF TRUSTEES THAT THE NEW STUDENT ACTIVITIES BUILDING ON THE AUBURN UNIVERSITY CAMPUS BE NAMED.

WHEREAS, Coach Claude V. Saia of Auburn University has distinguished himself in his many years of service to that institution and her students, faculty, and staff, by promoting quality athletic programs on both the varsity and intramural levels, and

WHEREAS, through Coach Saia's commitment and dedication, Auburn University has achieved national prominence because of the exceptional quality of its athletic programs, and

WHEREAS, Coach Saia is currently the Director of these outstanding intramural programs at Auburn, and

WHEREAS, a new intramural student activity building will soon be completed on the Auburn University campus, to be used for the promotion of good physical and mental health and well-being by the students, faculty and staff of Auburn University, and

WHEREAS, this new activity building represents the culmination of years of work by Coach Saia and his staffs to further promote a better quality of life for Auburn University students, and

WHEREAS, Auburn University students in 1979 voted upon themselves a quarterly assessment towards the payment of this

building, taking pride themselves in the accomplishment that this would bring forth for present and future generations of fellow students, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Auburn University Board of Trustees, after requesting input and suggestions from the Student Government Association of Auburn University, develop an appropriate name for the student activity building, keeping in mind the many contributions that Claude V. Saia has made, that his staff has made, and that indeed the Auburn Student Body has made in this monumental happening.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Auburn University Board of Trustees, to the Student Government Association of Auburn University, and to Coach Claude V. Saia.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-85

S.J.R. 53—Senator Hilliard

SENATE JOINT RESOLUTION

ENCOURAGING THE STATE OF ALABAMA HIGHWAY DEPARTMENT TO PLACE FOOD AND BEVERAGE VENDING MACHINES IN ALL REST STOP FACILITIES OPERATED BY THE STATE OF ALABAMA LOCATED ON THE INTERSTATE FREEWAYS WITHIN ALABAMA.

WHEREAS, the State of Alabama is nearing completion of the interstate freeway system within the State and, as such, citizens of this State and all visitors to Alabama will be able to drive great distances on the interstates without interruption; and,

WHEREAS, the State of Alabama now operates numerous "Rest Stop" facilities staffed by individuals employed by the Highway Department throughout Alabama; and,

WHEREAS, since Alabama is a state blessed with many beautiful scenic spots of natural beauty as well as other locations of historical interest and importance which cause our citizens and thousands of visitors to travel throughout our State; and,

WHEREAS, Alabama has been actively promoted through its "ALABAMA THE BEAUTIFUL" campaign and will no doubt welcome many visitors through Alabama in the years to come; and,

WHEREAS, Alabama also temporarily welcomes visitors driving through our State to our Gulf beaches and those in Northwest Florida; and,

WHEREAS, it can be expected that thousands, perhaps millions, of tourists, may travel through Alabama to New Orleans for the 1984 World's Fair in the next two years; and,

WHEREAS, it can be reasonably expected that the successful operation of vending machines placed in each of the "Rest Stops" and "Welcome Centers" located throughout Alabama, offering for sale food, beverages, and other small amenities of convenience to the interstate traveler, will necessarily result in additional income to the Highway Department, and, moreover, will undoubtedly reap additional benefits for the tourist industry as travelers will find it more convenient to travel through Alabama and will be favorably disposed to stay longer in Alabama and return again to spend more of their money in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby encourage and request that those officials of the Highway Department properly charged with the operation and maintenance of the interstate "Rest Stop" facilities located within Alabama, undertake an immediate examination as to why vending machines as discussed above have not been previously placed in Alabama, and further explore the feasibility of placing such machines at all interstate "Rest Stops" located in Alabama, including an approximation of all costs involved and a projection of income to be gained from the reasonable use of such machines.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor Wallace after his inauguration, and also to Ray Bass and Mack Roberts after they assume their respective positions of Highway Director and Assistant Highway Director, and further, that the Highway Director forward to the President of the Senate and the Speaker of the House after a reasonable time, a written report addressing the questions raised herein.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-86

S.J.R. 54—Senator Robertson

SENATE JOINT RESOLUTION

ENCOURAGING OUR CITIZENS TO SUPPORT THE

ECONOMY OF ALABAMA AND THE NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

WHEREAS, the economic well-being of our state and nation is both directly and adversely affected by the purchase and use of foreign-made products and goods; and

WHEREAS, numerous of our domestic manufacturers are being forced to close their plants because of foreign competition, resulting in more and more unemployment to the detriment of the economy of entire areas; and

WHEREAS, regrettably, the citizens of Alabama and the entire United States have continued, increasingly, to purchase foreign-made products despite the drastic economic consequences of such actions, and despite the fact that these products are inferior in quality and safety to our domestic products; and

WHEREAS, in light of the drastic and continued decline of our economy, directly related to increased imports, it is more imperative than ever before, that the American people define their loyalties through positive and corrective action; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in repetitive appeal for the support of the entire State of Alabama to further our own economic interests and protect the well-being of all our citizens, we hereby urge that Alabama set an example for the nation by buying and using only American-made products and goods.

BE IT FURTHER RESOLVED, That the officials of all Alabama municipalities and counties give their support to this resolution through public encouragement of loyalty to our domestic manufacturers.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-87

S.J.R. 55—Senator Bedford

SENATE JOINT RESOLUTION

COMMENDING MISS STEPHANIE KAY ASHMORE, ALABAMA JUNIOR MISS.

WHEREAS, The Alabama Legislature, in pleased concurrence, notes the selection on January 23, 1983, of Miss Stephanie Kay Ashmore of Muscle Shoals as Alabama's new Junior Miss; and

WHEREAS, the lovely Miss Ashmore, daughter of Dr. and Mrs.

James D. Ashmore, is a 17-year-old senior at Muscle Shoals High School where she excels academically and is involved in numerous of her school's extracurricular activities; and

WHEREAS, Miss Ashmore, an accomplished gymnast, ballerina and vocalist, combined the first two of these talents for that category of competition and was selected in final judging from a field of nine other talented and beautiful young ladies to become our new Alabama Junior Miss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most warmly praise and commend Alabama Junior Miss, Stephanie Kay Ashmore of Muscle Shoals, Alabama, and sincerely wish her every success in the forthcoming National Junior Miss Pageant.

BE IT FURTHER RESOLVED, That Miss Ashmore receive a copy of this resolution that she and her parents may be aware of our warm best wishes and of our deep pride in her selection to serve as Alabama's charming ambassador in National competition.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-88

S.J.R. 56—Senators Bedford and Denton

SENATE JOINT RESOLUTION

COMMENDING MISS ALYSSA ASHLEY OF KILLEN, LAUDERDALE COUNTY, ALABAMA, AS ALABAMA'S FAIREST OF THE FAIRS QUEEN.

WHEREAS, it is with great pleasure, and in warm personal pride, that the Legislature of Alabama notes recent honors bestowed upon Miss Alyssa Ashley of Killen, Lauderdale County, Alabama, the lovely daughter of our good friends, Representative and Mrs. Charles Ashley; and

WHEREAS, on January 7, 1983, in state competition held in Birmingham, Miss Ashley was named Fairest of the Fairs Queen from a field of contestants of county fair pageant representatives from throughout Alabama; and

WHEREAS, Miss Ashley, representing the North Alabama State Fair, was judged, as were all contestants, in the five areas of talent, poise and carriage, beauty in sportswear, beauty in evening gown and by the result of a conference held with the judges; and

WHEREAS, an extremely charming and talented young lady,

Miss Ashley is an 18-year-old freshman at the University of North Alabama, majoring in commercial music; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend heartfelt congratulations and expressions of sincere warm praise to Miss Alyssa Ashley, Alabama's Fairest of the Fair Queen.

BE IT FURTHER RESOLVED, That Miss Ashley and her parents receive copies of this resolution in token of admiration and of our warm best wishes for her every future success in life.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-89

S.J.R. 57—Senator Robertson

SENATE JOINT RESOLUTION

HONORING OUR ASSOCIATE, MR. THOMAS EARL GILMORE, FORMER GREENE COUNTY, ALABAMA, "SHERIFF WITHOUT A GUN."

WHEREAS, it is with inordinate pride that the Alabama Legislature recognizes Mr. Thomas Earl Gilmore of Forkland for distinguished service as the former Sheriff of Greene County, Alabama, for his sincere Christian commitment and for his dedicated community service; and

WHEREAS, as Sheriff of Greene County from 1971 to 1983, Mr. Gilmore was the inspiration for, and his life the subject of, the NBC network television movie entitled "This Man Stands Alone," with Lou Gossett, Jr., in the role of Sheriff; and

WHEREAS, it is to be noted that Mr. Gilmore, during his 12-year law enforcement tenure, was never armed and thus came to be widely known as "the sheriff without a gun"; his philosophy that arms oftentimes trigger violence was never a hindrance, however, to his ability to command respect and to effectively keep the peace of his county; and

WHEREAS, Sheriff Gilmore, at the close of his third consecutive term, elected not to seek a fourth term but to instead serve in other areas of community concern; and

WHEREAS, Mr. Gilmore, a native of Forkland in Greene County was born in his grandmother, Clara Bryant Gilmore's home, where she still lives, and it was largely her influence that molded his strong Christian convictions; he currently serves, and has since 1981,

as Pastor of Eastern Baptist Church in Demopolis and he has also served as Moderator of Needham Creek Baptist Convention in Greene County; and

WHEREAS, Mr. Gilmore, who attended Selma University and the University of Alabama, is a Mason, a member of Phi Beta Sigma, and is now our associate as an employee of the Alabama Senate, in assignment to Lieutenant Governor Baxley; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend our friend and associate, Mr. Thomas Earl Gilmore, for outstanding service to Greene County, to his church and to the entire State of Alabama.

BE IT FURTHER RESOLVED, That Mr. Gilmore be presented with a copy of this resolution that he and his wife, Minnie Lee, their six children and other family members may know of our warm praise and regard.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-90

S.J.R. 51—Senator Holmes

SENATE JOINT RESOLUTION

CREATING A JOINT INTERIM COMMITTEE TO STUDY SMALL BUSINESS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to be composed of three members of the Senate, appointed by the presiding officer and three members of the House of Representatives, appointed by the Speaker. The committee shall study all aspects of the problems facing small business, including any recommendations in the area of assistance. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

BE IT FURTHER RESOLVED, That upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requis-

tions signed by the committee's chairman. Total expenditures of the committee shall not exceed \$4,200.00.

Approved February 2, 1983

Time: 5:37 P.M.

Act No. 83-91

S.J.R. 3—Senators: Smith (B), Cooley, Aldridge, Smith (J), Mitchell, Little, Robertson, Mitchem, Barron, Bachus, Bedsole, and Dixon

SENATE JOINT RESOLUTION

CREATING A JOINT LEGISLATIVE COMMITTEE ON INDUSTRIAL EXPANSION, ECONOMIC GROWTH, AND JOBS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there shall be joint study committee on industrial expansion, economic growth, and jobs, which shall be a continuing committee to make a study of any and all aspects of industrial expansion, economic growth, and development, and jobs in the state, hold hearings and inquire into ways and means of improving conditions in the aforementioned areas. The committee shall make a report to the legislature before the 25th legislative day of all future regular sessions of the legislature.

BE IT FURTHER RESOLVED, That the committee shall consist of the members of the Senate Committee on Industrial Expansion, Economic Growth, and Jobs and the House Committee on Commerce and Industrial Development. The chairman of the Senate Committee on Industrial Expansion, Economic Growth, and Jobs shall serve as the Chairman of this committee, and the chairman of the House Committee on Commerce and Industrial Development shall serve as Vice-chairman. The chairman of the committee shall set the schedule and program for committee work, shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee and may appoint subcommittees and invest them with such authority as may be necessary to conduct the committee's business and expedite its work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisition signed by the com-

mittee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. Out of state travel will be allowed for the members of the committee but must be approved by the chairman of the committee and the Lieutenant Governor for the members of the Senate and the Speaker for members of the House. Upon the request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work. Additional assistance shall be provided by the Legislative Reference Service and the Legislative Fiscal Office. The total of all expenses for the committee shall not exceed \$30,000.00.

Approved January 31, 1983

Time: 3:50 P.M.

Act No. 83-92

S.J.R. 2—Senator Kirkland

SENATE JOINT RESOLUTION

COMMENDING FORMER ESCAMBIA COUNTY SHERIFF
G. S. "SCOTTY" BYRNE.

WHEREAS, The Alabama Legislature expresses sincere appreciation to former Escambia County Sheriff G. S. "Scotty" Byrne whose tenure in office encompassed the years 1958 to 1983; and

WHEREAS, following his first term in office, Sheriff Byrne was subsequently re-elected to five successive four-year terms during which time he continued to render dedicated and invaluable service to the citizens of Escambia County; and

WHEREAS, though Sheriff Byrne is indeed to be commended for meritorious performance of his law enforcement duties, he also is an outstanding administrator who greatly strengthened and enlarged the department from a mere five employees with inadequate equipment to the present efficient force of seventeen with a fleet of 12 automobiles and a helicopter; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend former Sheriff G. S. "Scotty" Byrne of Escambia County for meritorious service and direct that he receive a copy of this resolution in token of our deep appreciation, sincere praise and esteem.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-93

S.J.R. 4—Senator Little

SENATE JOINT RESOLUTION

COMMENDING THE REVEREND JOHN H. JEFFERS,
PASTOR OF THE FIRST BAPTIST CHURCH OF AUBURN,
ALABAMA.

WHEREAS, it is to be noted that the Reverend John H. Jeffers, in rare length of tenure, is currently serving in his 25th year as Pastor of the First Baptist Church of Auburn, Alabama; and

WHEREAS, a native of Glencoe, Etowah County, Alabama, the Reverend Jeffers is a graduate of Samford University who attended both Southwestern and Southern Seminaries and holds an honorary Doctor of Divinity degree bestowed in 1967 by Judson College; and

WHEREAS, prior to his 1958 call to Auburn's First Baptist Church, Dr. Jeffers served pastorates in Collinsville, Hartford and Andalusia, Alabama; he also has an impressive background of denominational service as State Training Union secretary and with the Training Union Department of the Baptist Sunday School Board; and

WHEREAS, he also is a former member of the Executive Board, Administration Committee, Education Commission, Judson College trustee and Chairman of the Christian Life and Public Affairs Commission, all with the Alabama State Baptist Convention; and

WHEREAS, the Reverend Jeffers has further served the Southern Baptist Convention as Trustee of the Baptist Sunday School Board and as Chairman of the Church Services and Materials Committee; and

WHEREAS, throughout his ministry, Dr. Jeffers has served in compassionate concern for each member of his congregation, ministering to their needs as individuals and dedicating his efforts to the Glory of God; and

WHEREAS, Dr. Jeffers, who is a member of Trident Men's Honorary of Samford University and a member of the Auburn Lion's Club, also has found time to contribute in other ways to the Auburn community as director of the Auburn United Fund and past president of the Auburn Ministerial Association; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Reverend John H. Jeffers of the First Baptist Church of Auburn, Alabama, and his wife, Mrs. Jeanette Thompson Jeffers, who through support and encouragement has devotedly shared his pastoral responsibilities and congregational ministry.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Reverend and Mrs. Jeffers that they may be aware of our sincere warm praise and regard.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-94

S.J.R. 6—Senators Little and Corbett

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. CHARLES L. INGRAM OF LEE COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama expresses deep sorrow and regret in the tragic and untimely death of Mr. Charles L. "Lou" Ingram of Lee County, Alabama, on August 22, 1982; and

WHEREAS, Mr. Ingram was just 58 years of age at the time of his death which was the result of his involvement in a tractor accident near his home in the Marvyn Community; and

WHEREAS, Mr. Ingram was a longtime Lee County Tax Assessor who was appointed to the office in 1965 and was subsequently re-elected to three six-year terms; and

WHEREAS, a native of Marvyn, he was a member of the Marvyn Methodist Church and of the Opelika Kiwanis Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Charles L. "Lou" Ingram of the Marvyn Community of Lee County, Alabama, an exemplary citizen and a truly dedicated public official.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for his wife, Mrs. Mary Ann Rice Ingram, and their four children, for his mother, Mrs. Kay Ingram, and other family members in declaration of our shared sorrow in their great and grievous loss.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-95

S.J.R. 7—Senators Corbett, Little, Teague, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B) and Smith (J)

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. JOSEPH WILSON SMITH OF PHENIX CITY, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Alabama Legislature notes the death of Mr. Joseph Wilson Smith of Phenix City, Alabama, on September 6, 1982, at the age of 65 years; and

WHEREAS, Mr. Smith, who was a native of Girard, now a part of Phenix City, Alabama, was one of our state's most prominent attorneys and a former member of both the Alabama Senate and the House of Representatives, during which time he worked diligently in the areas of education, highways and industrial development, among others, to the benefit of his district and the entire State of Alabama; and

WHEREAS, a graduate of Phenix City's Central High School, Mr. Smith also was a graduate of the University of Alabama and the University's School of Law where he was active in student government and president of the law school student body; he was a member of Omicron Delta Kappa national honorary leadership fraternity, listed in Who's Who in American Colleges and Universities, a member of Pi Kappa Alpha fraternity, Phi Alpha Delta legal fraternity and Delta Kappa honorary; and

WHEREAS, as a veteran of World War II, and following discharge with the rank of Major, Mr. Smith established his legal practice in Phenix City, remaining actively involved until his death and despite legal blindness incepted by the loss of an eye to cancer in 1947; and

WHEREAS, Mr. Smith also was active in numerous civic affairs including the Phenix City School Board, Alabama Education Commission, Phenix City Lions Club, the Boys Club, Phenix City Utilities Board, Phenix City-Russell County Chamber of Commerce and the Chattahoochee Valley Airport Commission, many of which he served in various leadership capacities; and

WHEREAS, he further was a former director of the Phenix-Girard Bank and the Association of the United States Army and was serving at the time of his death as second vice president of the Columbus-Phenix City-Fort Benning Chapter of AUSA; he was a member and former board member and Sunday School Superintendent of the United Methodist Church of Phenix City; member of University of Alabama President's Cabinet; and a member of the American, Alabama and Russell County Bar Associations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Joseph Wilson Smith of Phenix City, Alabama, an outstanding Alabamian and truly great American patriot.

BE IT FURTHER RESOLVED, That in deeply shared sorrow, we extend our most heartfelt sympathy to his wife, Mrs. Lenora Coghlan Smith, to their children and to other family members to whom a copy of this resolution shall be sent.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-96

S.J.R. 16—Senator Teague

SENATE JOINT RESOLUTION

HONORING GOVERNOR "FOB" JAMES.

WHEREAS, Governor "Fob" James rendered four years of loyal and dedicated service to the State of Alabama; and

WHEREAS, Governor James faithfully served the people of Alabama with unselfish and outstanding zeal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama hereby expresses heartfelt appreciation to Governor Fob James for the dedicated service he rendered during his administration.

BE IT FURTHER RESOLVED, That the desk chair in the Governor's office which Governor James used during his term of of-

fic be presented to him as a token of appreciation and high esteem.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-97

S.J.R. 18—Senators Proctor and Teague

SENATE JOINT RESOLUTION

COMMENDING MISS POLLY HOLLIDAY.

WHEREAS, a native Alabamian, Miss Polly Holliday has brought great fame and honor to our state and has distinguished herself as an outstanding performer, one who is firmly established as a star of stage, screen and television; and

WHEREAS, Miss Holliday, who was born in Jasper in Walker County, Alabama, is a graduate of the University of Montevallo with additional post graduate study acquired at Florida State University; her degree in music education led to a short tenure as a music teacher followed by some ten years as a member, variously, of the Asolo State Theatre Repertory Company, the Front Street Theatre and Atlanta Municipal and Boothbay Playhouses, appearing in more than 80 plays; and

WHEREAS, perhaps in Alabama, Miss Holliday is best known and loved for her role as "Flo" in the CBS Television Series, "Alice," and for which portrayal she won back-to-back Golden Globe Awards; she further is the recipient of five Emmy Award nominations and an honorary doctorate from Mount Saint Mary College; and

WHEREAS, Miss Holliday's additional credits include All Over Town on Broadway, The Shady Hill Kidnapping for PBS, NBC's live telecast of All The Way Home, CBS movie Missing Children and numerous film appearances including "The One and Only" and "You Can't Take it With You"; and

WHEREAS, in spite of the many demands on Miss Holliday as an accomplished actress, she yet devotes much of her time and effort on behalf of such worthy causes as the National Retinitis Pigmentosa Foundation which she has served as National Chairwoman and Honorary President; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most warmly praise and commend Miss Polly Holliday, a beloved daughter of the State of Alabama; we further congratulate her on her lat-

est honor as University of Montevallo "Alumna of the Year" and direct that she receive a copy of this resolution in small token of our appreciation and utmost regard.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-98

S.J.R. 21—Senator Little

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. G. H. WRIGHT, FORMER LONGTIME MAYOR OF AUBURN, ALABAMA.

WHEREAS, the Legislature of Alabama has grievously noted the death of Mr. G. H. "Monk" Wright of Auburn, Alabama, on November 9, 1982, at the age of 84 years; and

WHEREAS, Mr. Wright was one of Auburn's most prominent and respected citizens and one who had served his beloved hometown in mayoral capacity for some 18 years during the period between 1944 and 1968; and

WHEREAS, Mayor Monk Wright was a graduate of Auburn High School, and a 1919 graduate of Auburn University which he was later to serve as trustee from 1951 to 1963; he was one of his university's most devoted and loyal alumni, and a dedicated "War Eagle" football fan who was in attendance at almost every game for more than seven decades; and

WHEREAS, in addition to his official municipal service, Mayor Wright also was prominent in area business affairs, as an insurance executive with his own agency, and in other civic, community and charitable affairs; he further was a longtime and active member of the First Independent Methodist Church of Auburn; and

WHEREAS, the death of Mayor Monk Wright has indeed left a void in the lives and hearts of all those privileged to know him as a generous, compassionate and truly gentle man; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mr. G. H. "Monk" Wright of Auburn, Alabama, and extend our most heartfelt sympathy to his beloved wife, Mrs. Louise M. Wright, to their daughter and two sons, and other family members to whom we express shared grief and to whom a copy of this resolution shall be sent.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-99

S.J.R. 22—Senator Little

SENATE JOINT RESOLUTION

COMMENDING MR. EUGENE C. GWALTNEY, JR., OF ALEXANDER CITY, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENTS.

WHEREAS, the Alabama Legislature notes with warm pride and pleasure the selection of Mr. Eugene C. Gwaltney, Jr., of Alexander City, Alabama, as "Textile Man of the Year" by the Textile Section of the New York Board of Trade; and

WHEREAS, this prestigious award is a distinct honor, indeed, and one which reflects the many accomplishments of Mr. Gwaltney and his numerous contributions to the textile industry; and

WHEREAS, a native of Rock Hill, South Carolina, Mr. Gwaltney began his career with Burlington Mills, later to join the Arlind Corporation, followed by a brief association with Robert and Company; he currently serves as Chairman and Chief Executive Officer of the Russell Corporation which he joined in 1952 as Director of Research and Quality Control; and

WHEREAS, Mr. Gwaltney, who is a graduate of Georgia Tech with further graduate studies at the Massachusetts Institute of Technology, is a United States Army Veteran of World War II, discharged with the rank of Major; and

WHEREAS, in addition to his contributory service to the entire textile industry, Mr. Gwaltney also has long been involved in numerous other endeavors; he is a Director of the Alabama State Chamber of Commerce, Vice President of Russell Lands, Vice Chairman of the Board of Directors of the First National Bank of Alexander City, Chairman of the Russell Hospital Board of Trustees, and a Director of the American Textile Manufacturers Institute; and

WHEREAS, he further is a Trustee of Tuskegee Institute, a member of the Board of Visitors of the University of Alabama's Graduate School of Business, a member of the Georgia Tech National Advisory Board and the University of Alabama in Birmingham President's Council, and he is the recipient of the MIT Corporate Leadership Award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Eugene C. Gwaltney, Jr., upon his selection as "Textile Man of the Year"; we further express our gratitude for the honor he has brought to the entire State of Alabama and direct that he receive a copy of this resolution in recognition of his many accomplishments and outstanding achievement.

Approved February 2, 1983

Time: 5:35 P.M.

Act No. 83-100

S.J.R. 23—Senator Little

SENATE JOINT RESOLUTION

HONORING MR. EDGAR LEON McGRAW UPON HIS RETIREMENT AS EDITOR AND HEAD OF THE DEPARTMENT OF RESEARCH INFORMATION OF THE ALABAMA AGRICULTURAL EXPERIMENT STATION.

WHEREAS, it is with a sense of great pride that the Legislature of Alabama notes the retirement on October 31, 1982, of Mr. Edgar Leon McGraw as editor and head of the Department of Research Information of the Alabama Agricultural Experiment Station; and

WHEREAS, a native of Alabama, Mr. McGraw was born on July 21, 1917, in Anderson, educated in the public schools of Lauderdale County and graduated from Auburn University; and

WHEREAS, Mr. McGraw and his devoted wife, Johnnie Faye Richardson McGraw, are the parents of two children and the grandparents of six, and also have a fine great grandchild; and

WHEREAS, Mr. McGraw is a dedicated member of the Auburn United Methodist Church, a Sunday School teacher, a member of Methodist Men and has served as a lay speaker; he has been offered continuous leadership in his active role with the Auburn Lions Club for over 34 years; and

WHEREAS, his numerous achievements in the area of agricultural college communications have earned him a nationally renowned reputation for professionalism; and

WHEREAS, having served for over 43 years as one of Alabama's most noteworthy educators, his retirement will be felt by many; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we most warmly praise and commend Mr. Edgar Leon McGraw on his outstanding career as editor and head of the Department of Research Information of the Alabama Agricultural Experiment Station.

BE IT FURTHER RESOLVED, That Mr. and Mrs. McGraw receive a copy of this resolution in declaration of our sincere appreciation and regard and in expression of our warm best wishes for every future success.

Approved February 2, 1983

Time: 5:35 P.M.

ALABAMA LAWS
And Joint Resolutions
SECOND EXTRAORDINARY SESSION 1983

Act No. 83-101

H.J.R. 2—Rep. Holley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer to the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

Approved February 9, 1983

Time: 4:55 P.M.

Act No. 83-102

H.J.R. 3—Rep. Holley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on February 1, 1983 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved February 9, 1983

Time: 4:55 P.M.

Act No. 83-103

H.J.R. 9—Rep. Holley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That when we adjourn today, Tuesday Feb. 1, 1983, we adjourn to meet again Thursday, Feb. 3, 1983 at 10:00 o'clock, A.M.

Approved February 9, 1983

Time: 4:55 P.M.

Act No. 83-104

H.J.R. 15—Rep. Holley

HOUSE JOINT RESOLUTION

COMMENDING THE ENTERPRISE HIGH SCHOOL BAND.

WHEREAS, the Legislature of Alabama notes with pride that the Enterprise High School Band has been selected to perform at the College Band Directors National Convention in Atlanta, Georgia, March 16-19, 1983; and

WHEREAS, the Enterprise Band, one of only ten High School Bands in the United States to be so selected, will perform their marching show as part of the "Marching Band Extravaganza" that will open the association's 22nd National Conference with an anticipated attendance of more than 500 college band directors and over 2,000 college-university band student members from every state in the nation; and

WHEREAS, under the leadership of Band Director William W. Hickman and Associate Directors J. Danny Meeks, George R. Martin, Jr., and William Cooper, the Enterprise High School has won six consecutive annual superior ratings and was the winner of the Top Class in the 1979 Hoover Invitational Marching Contest, Birmingham; in 1979 at the Southeastern States Marching Contest in Troy; in 1980 at the Governors Cup Marching Contest, Lanett; in 1980 at the Sunbelt Invitational Marching Contest, Moultrie, Georgia; in 1981 at the Mid-Alabama Marching Contest in Midfield; in 1981 at the Peach State Marching Contest, Rome, Georgia; 1982 Deep South Marching Contest in Mobile, and 1982 in the Sunbelt Invitational Contest, Moultrie, Georgia; and

WHEREAS, in 1979 and 1981, the band was the Grand Sweepstakes Winner at Fountain City, Columbus, Georgia, one of the largest contests in the South with bands representing many southern states; it also was selected in 1979 by the National Band Association as one of the top ten marching bands of the United States and trav-

eled to Knoxville, Tennessee, to perform for the National Band Association National Convention; and

WHEREAS, the 1982 Enterprise High School Band consists of 216 students from grades 10-12, performing with 154 horns, 24 percussion, 29 flags, 8 majorettes, and one drum major; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Enterprise High School Band; we further extend congratulations on the band's selection to perform for the College Band Directors National Convention and express our pride in their outstanding representation of the State of Alabama on numerous occasions.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for the band and for appropriate display at Enterprise High School.

Approved February 14, 1983

Time: 3:55 P.M.

Act No. 83-105

H.J.R. 19—Rep. Coleman

HOUSE JOINT RESOLUTION

COMMENDING THE DOUGLAS HIGH SCHOOL EAGLES ON THEIR OUTSTANDING 1982 FOOTBALL SEASON.

WHEREAS, the Legislature of Alabama notes with commendation the outstanding 1982 football season record of the Douglas High School Eagles; and

WHEREAS, under the talented leadership of Head Coach Paul McAbee and his able assistants Rex Mitchell, Gerry Ledbetter, Keith Swisher and Ross Brooks, the Eagles went 9-1 for their best season ever in the history of Douglas High's football program; and

WHEREAS, it is further to be noted that this outstanding Marshall County 2A powerhouse also wound up 1982 as Runner-up in Area Championship competition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate and commend the Douglas High School Eagles on the tremendous success of their 1982 football season.

BE IT FURTHER RESOLVED, That copies of this resolution be prepared for presentation to Coach McAbee, on behalf of the Eagles, and for appropriate display at Douglas High School.

Approved February 14, 1983

Time: 3:55 P.M.

Act No. 83-106

H.J.R. 20—Reps. Penry, McMillan

HOUSE JOINT RESOLUTION

COMMENDING MRS. VIOLA FOLEY OF THE ELSANOR COMMUNITY.

WHEREAS, the Alabama Legislature, in concurring sentiment, notes the selection of Mrs. Viola Foley as Elsanor Citizen of the Year for 1982, an honor bestowed in recognition of her lifelong contributions to the community; and

WHEREAS, Mrs. Foley, who is 80 years young, is a lifelong resident of Elsanor and the widow of the late William Hillary Foley; she has three sons, three daughters and a foster son, 36 grandchildren, 66 great grandchildren and four fine great-great grandchildren; and

WHEREAS, Mrs. Foley served for many years as a mid-wife to the women of Elsanor and tended to the children of the community as a "granny doctor"; she further, for many years, kept children in her home, those who lived too far for bus service, that they might be able to attend school; and

WHEREAS, in active P.T.A. involvement, Mrs. Foley helped organize and promote numerous fund-raising projects for the school, and other events sponsored by the Parent-Teacher Association; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the citizens of the Elsanor Community of Baldwin County, Alabama, in most highly commending Mrs. Viola Foley for outstanding community service.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mrs. Foley that she may know of our utmost praise and regard.

Approved February 14, 1983

Time: 3:55 P.M.

Act No. 83-107

H.J.R. 21—Reps. Penry, McMillan

HOUSE JOINT RESOLUTION

COMMENDING MR. ROY STAPLETON OF BAY MINETTE, AS ALABAMA'S VETERAN OF THE YEAR.

WHEREAS, the Alabama Legislature notes with pride and pleasure the recent designation of Mr. Roy Stapleton of Bay Minette, as Alabama Veteran of the Year; and

WHEREAS, this distinct honor was accorded Mr. Stapleton, a distinguished veteran of World War I, in recognition of longtime service to his community and most particularly his service on behalf of disabled American veterans; and

WHEREAS, in receiving the award, Mr. Stapleton was among other such notables as retired Admiral Hyman George Rickover, who also was an award recipient, and Secretary of the Navy John Lehman, Governor Fob James, National VFW Commander James Currieo and General Don Starry; and

WHEREAS, Mr. Stapleton has been a resident of Bay Minette since 1935 where he and his brother first managed a retail automobile accessories store and later the Stapleton Brothers 5 & 10 which they established and operated for some 18 years; and

WHEREAS, Mr. Stapleton has been active in area veteran's organizations since 1919, a continuous member of the American Legion for 63 years and a member of the Disabled American Veterans for the past decade; he also, even at the age of 91 years, remains active in the organization of community events and maintains a keen and genuine interest in all areas of his community's affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mr. Roy Stapleton of Bay Minette, Alabama; we further congratulate him as Alabama's Veteran of the Year and direct that he receive a copy of this resolution in token of our sincere regard and deep appreciation of his accomplishments.

Approved February 14, 1983

Time: 3:55 P.M.

Act No. 83-108

H.J.R. 7—Rep. Bennett

HOUSE JOINT RESOLUTION

ENDORING THE PROCLAMATION OF FEBRUARY 1983 AS MEDICAL EYE MONTH.

WHEREAS, sight is one of mankind's most important senses; and

WHEREAS, every Alabamian should have medical eye care available for the preservation of sight; and

WHEREAS, every Alabamian should be aware that quality medical eye care is available throughout the State of Alabama; and

WHEREAS, the Alabama Academy of Ophthalmology, our State's society of Eye Physicians, is working to inform Alabamians of the need for proper medical eye examinations; and

WHEREAS, the Alabama Chapter of the American Association of Workers for the Blind and the Alabama Academy of Ophthalmology are jointly sponsoring the first Eye Injury Registry in the nation to promote the prevention and adequate treatment of eye injuries; and

WHEREAS, many Alabamians are experiencing significant economic and unemployment problems which may prevent their obtaining proper medical eye examinations; and

WHEREAS, participating ophthalmologists throughout Alabama will provide free vision/glaucoma screening in their offices from 2:00 p.m. until 4:00 p.m. on Wednesday, February 9; Wednesday, February 16; and Wednesday February 23; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby endorse the proclamation of February 1983, as Medical Eye Month in the State of Alabama, and do commend the Alabama Chapter of the American Association of Workers for the Blind and the Alabama Academy of Ophthalmology for their establishment of the nation's first statewide Eye Injury Registry.

Approved February 14, 1983

Time: 3:55 P.M.

Act No. 83-109

H.J.R. 11—Rep. Richardson

HOUSE JOINT RESOLUTION

REQUESTING THAT THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE UNITED STATES MARITIME ADMINISTRATION PARTICIPATE IN A STUDY TO BE MADE BY THE AMERICAN ASSOCIATION OF PORT AUTHORITIES.

WHEREAS, vast amounts of agricultural commodities, chemi-

cals and petroleum products are moved on our Nation's waterways for export and, in fact, more than one-third of the Nation's waterborne export tonnage are agricultural commodities; and

WHEREAS, the waterways in Alabama presently in use and those contemplated for the future are uniquely situated within the geographic boundaries in Alabama so that they serve as an indispensable conduit, both export and import, for the farmer to have his agricultural commodities and raw materials necessary to produce those commodities; and

WHEREAS, the Federal Administration and the United States Congress are considering increasing waterway users' fees with the end result of these increased fees being to decrease the amount which the farmer receives for his commodities; and

WHEREAS, the American Association of Port Authorities has tentatively agreed to make a study on the cumulative impact on waterway user increased charges on the United States World Grain Trade at no cost to the Federal government; and

WHEREAS, the United States Department of Agriculture and the United States Maritime Administration have in their possession much statistical data and personnel that would be of great aid and assistance in producing the above study that could be furnished to the American Association of Port Authorities at little or no cost to the above Federal agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the United States Department of Agriculture and the United States Maritime Administration be requested to fully cooperate with the American Association of Port Authorities in its study on the cumulative impact on waterway user increased charges on the United States World Grain Trade to include, but not limited to, providing statistical data and staff liaison with the Association.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the President of the United States, the United States Department of Agriculture and the United States Maritime Administration.

Approved February 14, 1983

Time: 3:55 P.M.

HONORING MRS. JOHNNIE K. McKNIGHT OF SELMA, ALABAMA, RECIPIENT OF THE PRESTIGIOUS FLORA W. BOYD AWARD.

WHEREAS, since 1956, Mrs. Johnnie K. McKnight has been associated with Selma United Methodist Children's Home as a loving and devoted child care worker whose relationship with her charges reflects genuine care and concern; and

WHEREAS, Mrs. McKnight, who currently lives with ten girls, ages 10-17, has cared for countless numbers of young boys and girls during the past some 25 years, many of whom were emotionally deprived children who greatly responded to Mrs. McKnight's firm but compassionate manner, and to her discipline tempered with love; and

WHEREAS, for her dedication on behalf of innumerable disadvantaged youngsters in Alabama, Mrs. McKnight was recently honored with the Flora W. Boyd Award during annual ceremonies at Birmingham's Hill Crest Hospital; and

WHEREAS, as the first recipient of this prestigious award, "Aunt Johnnie," as she is affectionately known, will become a model for all future nominees, a tribute indeed for one who has given so much to so many and has expected so little in return; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mrs. Johnnie McKnight of Selma, Alabama, and direct that she receive a copy of this resolution in small token of our deep appreciation, admiration and regard.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-111

H.J.R. 27—Reps. Kennedy, Clark, Buskey,
Turner, Zoghby

HOUSE JOINT RESOLUTION

COMMEMORATING THE FOUNDING, IN 1853, OF THE SAINT LOUIS STREET BAPTIST CHURCH, MOBILE, ALABAMA.

WHEREAS, a matter of historical note and of profound Christian significance was the organization and activation in 1853 of the Saint Louis Street Baptist Church in Mobile, Alabama; and

WHEREAS, chronologized as the second oldest Black Mission-

ary Baptist Church in Alabama's City of Six Flags, one of the oldest of our nation's cities, the Saint Louis Street Baptist Church stands today as a monument to the faith and perserverance of its original founders thirteen decades ago in the annals of time; and

WHEREAS, history records that the Saint Louis Street Baptist Church has served as a tabernacle of witness under the dynamic leadership and pastoral guidance of 14 Ministers of the Gospel, the fourth of whom, the Reverend C. A. Levins, was the church's first Black pastor; and

WHEREAS, successively and through the years, nine illustrious pastors were to follow the Reverend Levins in leadership until 1964 at which time the present minister, the Reverend Louis Sanders, assumed the pastorate of the Saint Louis Street Baptist Church; and

WHEREAS, during this February 1983 observance of their church's founding, the membership of the Saint Louis Street Baptist Church will give thanks and credit to God for the opportunity he has given to witness, worship and serve, as did all generations before them, in fellowship, kindred spirit and community concern; and

WHEREAS, the Saint Louis Street Baptist Church, for 130 years, has indeed flourished—in the strengthening of faith of its shepherds and in its physical magnificence which is dedicated to the Glory of God; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the membership, pastor and friends of the Saint Louis Street Baptist Church in Mobile, Alabama, in celebration of its 130th anniversary of service, and in recognition of its historical significance as a House of Christian worship entered in the National Register of Historical Places as a landmark contributing to a deeper understanding of our American heritage.

BE IT FURTHER RESOLVED, That we unite in commemorating the founding of the Saint Louis Street Baptist Church and in celebrating its 130th anniversary; we further direct that a copy of this resolution be provided for presentation to the Reverend Louis Sanders, renowned pastor since 1964, for appropriate display and in public acknowledgement of our esteem.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-112

H.J.R. 28—Reps. McMillan, Penry

HOUSE JOINT RESOLUTION

COMMENDING MR. HARRY STILL, BAY MINETTE CITIZEN OF THE YEAR.

WHEREAS, the Alabama Legislature notes with extreme pleasure the selection, January 27, 1983, of Mr. Harry Still as Bay Minette Citizen of the Year, an award of merit of WBCA and WWSM Radio Stations and the Bay Minette Chamber of Commerce, and

WHEREAS, Mr. Still, who indeed deserves the accolades of his community, has worked in city government for 35 years; he is City Administrator for Bay Minette, has served as Director of Public Works and Utilities since 1968, and it was largely through his instrumental effort that the city has been provided with a sewer treatment facility that has been long needed by the community; and

WHEREAS, dedicatedly, Mr. Still further has served four terms as city councilman, was Mayor pro-tem for eight years and is a former Baldwin County Commissioner by appointment of Governor George Wallace; he also is Executive Director of the Bay Minette Public Housing Authority and is a certified sewer plant and water works operator; and

WHEREAS, Mr. Still, in civic involvement, is a director on a number of boards and associations such as First Alabama Bank, Bay Minette Chamber of Commerce, Alabama Health Planning Council, South Alabama Regional Planning Commission, American National Gas Association and the North Baldwin Hospital Board; and

WHEREAS, Mr. Harry Still has been a resident of Bay Minette, the community he has served with such devotion, since 1937; he is a graduate of Baldwin County High School, an alumnus of a Mobile business college, a veteran of World War II, a former businessman, and a member of the First United Methodist Church where he has served as an administrative board member for in excess of 30 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with community citizens, with WBCA and WWSM Radio Stations and the Bay Minette Chamber of Commerce in endorsement of Mr. Harry Still's selection as Bay Minette Citizen of the Year.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Still that he may be aware of this body's deep admi-

ration and esteem.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-113

H.J.R. 29—Rep. Rogers

HOUSE JOINT RESOLUTION

HONORING MS. TOREATHER MENCER.

WHEREAS, it is with sincere praise that the Alabama Legislature expresses utmost commendation of Ms. Toreather Mencer of Birmingham, Alabama, for her untiring service on behalf of the Greater Shiloh Missionary Baptist Church and its youth; and

WHEREAS, Ms. Mencer joined the Greater Shiloh Missionary Baptist Church in 1924 and has continuously served for the past 59 years in numerous areas of involvement; and

WHEREAS, in 1951, Ms. Mencer organized the Junior Usher League which has since been renamed in her honor and in appreciation for her service on the Board for the past 32 years; and

WHEREAS, Ms. Mencer also is a member of the Progressive Christian Benefit Society, Temple #3, and further serves as a member of the Enrollment Committee for the General Assembly of the Society; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Ms. Toreather Mencer of Birmingham, Alabama, for her longtime, continuous service in dedicated membership, to the Greater Shiloh Missionary Baptist Church, the Junior Usher League and the Progressive Christian Benefit Society, Temple #3, as well.

BE IT FURTHER RESOLVED, That Ms. Mencer receive a copy of this resolution which we tender in praise and in highest regard.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-114

H.J.R. 30—Rep. Rogers

HOUSE JOINT RESOLUTION

COMMENDING THE JOHN FISHER FAMILY OF BIR-

MINGHAM, ALABAMA, FOR OUTSTANDING SERVICE ON BEHALF OF HOLY FAMILY HIGH SCHOOL.

WHEREAS, through their children's attendance, Mr. Fisher and his wife, Mary, have been associated with Holy Family High School in Birmingham, Alabama, for the past 24 years; and

WHEREAS, through the years, both Mr. and Mrs. Fisher, as well as their children, have served with dedication in all areas of Holy Family involvement, contributing greatly to the school's programs and to the success of numerous projects; and

WHEREAS, Mr. and Mrs. Fisher are the parents of eight Holy Family High School graduates, seven of whom have finished college and are working as professionals in the Birmingham area; their eighth child is currently enrolled in college and is also pursuing a professional career; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the John Fisher family of Birmingham, Alabama, for their extraordinary and longtime service on behalf of Holy Family High School.

BE IT FURTHER RESOLVED, That in token of our sincere warm praise and regard, a copy of this resolution shall be sent to Mr. and Mrs. John Fisher and their children; Anthoneria, John, Dotridge, Samuel, Deborah, Victoria, Angela, and Christine.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-115

H.J.R. 31—Rep. Rogers

HOUSE JOINT RESOLUTION

COMMENDING THE WEST END HIGH SCHOOL LIONS, BIRMINGHAM CITY BASKETBALL CHAMPIONS.

WHEREAS, the Alabama Legislature extends heartiest congratulations to the West End High School Lions, Birmingham City Basketball Champions by virtue of their resounding victory, 64-50, over Parker High's Thundering Herd; and

WHEREAS, it is further to be noted that with the big win in tournament finals, January 29, 1983, the Lions had amassed a phenomenal 17-4 season record and were ranked fourth in the State among Alabama's 4-A teams; and

WHEREAS, much of the credit for the Lions' outstanding sea-

son must of course go to Head Coach Wilbert Hamilton and his assistant coach, Charles Acon, who together have pooled their talent to boost their cagers to such prominence in state competition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both congratulate and commend the Birmingham City Basketball Tournament Champions, the West End High School Lions, and direct that a copy of this resolution be sent to Coach Hamilton on behalf of the team, with a copy also sent to West End principal, Dr. Clarence Mitchell, for appropriate school display.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-116

H.J.R. 32—Reps. Smith, Moore, Murphy,
Waggoner, Bennett, Owens,
Horn

HOUSE JOINT RESOLUTION

COMMENDING THE NATIONALLY RANKED UNIVERSITY OF MONTEVALLO LADY FALCONS VOLLEYBALL TEAM.

WHEREAS, it is with great personal pride that the Alabama Legislature notes that our State's University of Montevallo Lady Falcons Volleyball Team stands 7th, nationally, in the NAIA; and

WHEREAS, with a 33-14 season record for 1982, the Lady Falcons headed for the NAIA National Tournament as District 27 Champions, having defeated Alabama State in the playoff finals to become the first team to qualify for the NAIA berth; the Falcons also were winners of both the University of Tennessee-Martin and the West Georgia Tournaments; and

WHEREAS, it is further to be noted that, under Head Coach Beverly Warren, this is the Lady Falcons' 3rd state title; Coach Warren also serves as UM Athletic Director and is the state's first District 27 Coach of the Year for Volleyball; and

WHEREAS, while completing a rigorous volleyball schedule of 52 matches, the Lady Falcons Volleyball Team maintained an exceptionally high grade point average of 1.90 out of a possible 3.0 and

WHEREAS, traveling to the Nationals in Denver, Colorado, and wearing UM Purple and Gold were Chris Duerr, Janet Ingram,

Blanche Watkins, Dana DeLoach, Paula Seibert, Kim Phelps, Dianne Green, Toots Cooley, Amy Dishroon, Honorable Mention All-American Sandra Sims, and Deborah Milliner, a 2nd Team All-National Tournament Selection; the team's manager is Pat Luncelford; Melissa Matthews serves as trainer; and Nellie Nannini is the team's statistician; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate and commend the University of Montevallo Lady Falcons Volleyball Team, as District 27 Champions and as the 7th place team in the nation following the NAIA National Tournament.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Warren, on behalf of her staff and the Lady Falcons, with a copy also provided for appropriate display at the University of Montevallo.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-117

H.J.R. 33—Reps. Turnham, Smith, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry,

Poole, Preuitt, Rains, Reed,
 Rice, Richardson, Rogers,
 Sasser, Scott, Seibels, Starkey,
 Starr, Stout, Thomas,
 Thornton, Trammell, Tucker,
 Turner, Venable, Waggoner,
 Warren, White (F), White (L),
 Williams, Wilson, Wright,
 Zoghby

HOUSE JOINT RESOLUTION

COMMENDING THE FACULTY AND STAFF OF THE ALABAMA AGRICULTURAL EXPERIMENT STATION AND THE BOARD OF TRUSTEES OF AUBURN UNIVERSITY.

WHEREAS, Auburn University is a Land-Grant University in the State of Alabama; and

WHEREAS, the Alabama Agricultural Experiment Station is an integral part of the University; and

WHEREAS, its establishment in the year 1883 makes this the centennial year for the Alabama Agricultural Experiment Station; and

WHEREAS, the Alabama Agricultural Experiment Station has had a major impact on the lives and incomes of the people of Alabama; and

WHEREAS, Alabama has a gross farm income of well over two billion dollars; and

WHEREAS, the mission of the Alabama Agricultural Experiment Station is to conduct both applied and basic scientific research programs bearing, directly and indirectly, on the establishment and maintenance of permanent and effective agricultural and forest industries in Alabama; on development and improvement of the rural home and of rural life; to protection of our soil and water resources, and to improvements in the quality of our environment; and

WHEREAS, the members of the Alabama Legislature take pride in the achievements of the Alabama Agricultural Experiment Station that have brought the Station national and international acclaim; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend commendations and best wishes to the Alabama Agricultural Experiment Station faculty and staff as well as to the Board of Trustees of Auburn University for their contributions to the achievements of

the Alabama Agricultural Experiment Station over the past one hundred years.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to the Chairman of the Board of Trustees of Auburn University, the President of Auburn University, Vice President for Agriculture, Home Economics, and Veterinary Medicine at Auburn University, and to the Dean and Director of the Alabama Agricultural Experiment Station.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-118

H.J.R. 35—Rep. Grouby

HOUSE JOINT RESOLUTION

DESIGNATING 1982-1983 AS THE 60TH ANNIVERSARY YEAR OF RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES IN ALABAMA.

WHEREAS, on October 2, 1922, the Reserve Officers Association of the United States was organized in Washington, D.C., at the urging of then General of the Armies John J. Pershing, with the objective to support a military policy for the United States that would provide adequate national security and to promote the development and execution thereof; and

WHEREAS, on June 30, 1950, this objective was reaffirmed in a Charter granted to the Reserve Officers Association by the Congress of the United States; and

WHEREAS, for the past 60 years, the Reserve Officers Association has acted as a catalyst between the military, citizen-soldiers, and Congress to educate and insure that the nation's defense remains strong and visible through coordinated efforts on both local and national levels; and

WHEREAS, for the past 60 years, the Reserve Officers Association has not only voiced its position on national security matters, but also influenced the passage of legislation to strengthen this national security; and

WHEREAS, the 126,000 members of the Reserve Officers Association, 2,600 state residents who are members of the 23 chapters in the State of Alabama, are commemorating the 60th Anniversary of the founding of the Reserve Officers Association of the United States and particularly during the Alabama Department Reserve Of-

ficers Association Convention to be held in Montgomery, Alabama, from April 15 to 17, 1983; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor is hereby requested to declare the year of 1982-1983 to be the "60th Anniversary of the Reserve Officers Association" in Alabama.

RESOLVED FURTHER, That it is not the purpose of this resolution to declare a legal holiday but to call on all citizens of the state to join in honoring the men and women of Alabama who are members of this important organization which is dedicated to the development of a strong national security policy for the United States.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to Governor George C. Wallace and to Colonel Lawrence H. Kloess, Jr., USAFR, President, Alabama Department, Reserve Officers Association, 3174 Highfield Drive, Montgomery, Alabama 36111.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-119

S.J.R. 1—Mr. Teague

SENATE JOINT RESOLUTION

ENDORING THE PROCLAMATION OF FEBRUARY 1983 AS MEDICAL EYE MONTH.

WHEREAS, sight is one of mankind's most important senses; and

WHEREAS, every Alabamian should have medical eye care available for the preservation of sight; and

WHEREAS, every Alabamian should be aware that quality medical eye care is available throughout the State of Alabama; and

WHEREAS, the Alabama Academy of Ophthalmology, our State's society of Eye Physicians, is working to inform Alabamians of the need for proper medical eye examinations; and

WHEREAS, the Alabama Chapter of the American Association of Workers for the Blind and the Alabama Academy of Ophthalmology are jointly sponsoring the first Eye Injury Registry in the nation to promote the prevention and adequate treatment of eye injuries; and

WHEREAS, many Alabamians are experiencing significant economic and unemployment problems which may prevent their obtaining proper medical eye examinations; and

WHEREAS, participating ophthalmologists throughout Alabama will provide free vision/glaucoma screening in their offices from 2:00 p.m. until 4:00 p.m. on Wednesday, February 9; Wednesday, February 16; and Wednesday, February 23; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby endorse the proclamation of February 1983, as Medical Eye Month in the State of Alabama, and do commend the Alabama Chapter of the American Association of Workers for the Blind and the Alabama Academy of Ophthalmology for their establishment of the nation's first statewide Eye Injury Registry.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-120

S.J.R. 2—Senators Robertson and
deGraffenried

SENATE JOINT RESOLUTION

COMMENDING THE B. F. GOODRICH TUSCALOOSA PLANT.

WHEREAS, in a desire to recognize those whose actions bespeak of community concern and of the well-being of the State of Alabama, we hereby most highly commend the officials of the B. F. Goodrich Tuscaloosa plant; and

WHEREAS, the company, as one of several parties, has recently entered into contract with the City of Tuscaloosa Solid Waste Authorities; the Cities of Tuscaloosa and Northport, as well as Tuscaloosa County have further contracted to provide SWA with all waste products collected to be delivered to the incinerators of a new waste conversion plant soon to be constructed; and

WHEREAS, the key contract to the success of such a program, however, is the agreement of Goodrich to purchase the steam generated by the conversion process to be used as the source of heat and hot water for the plant; and

WHEREAS, it is to be noted that some 90% of the income for the Tuscaloosa SWA will be realized from the sale of steam to the Goodrich plant, a significant factor in the success of a program

which will greatly and beneficially affect both the environmental and economic climate of the area; and

WHEREAS, the Goodrich Company is indeed deserving of our praise and appreciation for its corporate citizenship, and for its foresight in an investment now which will later result in savings both for the company and consumer through constancy in fuel costs as opposed to the probable increased future costs of other fuels; and

WHEREAS, this program also will eliminate the environmental hazards of landfills, and other undesirable methods of waste disposal, for the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend utmost praise of the officials of the Tuscaloosa B. F. Goodrich Company for their instrumentality in making possible the first such waste conversion program in Alabama and just one of few in the entire nation.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the B. F. Goodrich Company in Tuscaloosa in small token of our deep appreciation and regard.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-121

S.J.R. 15—Senators deGraffenried and Robertson

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. BUFORD BOONE, DISTINGUISHED JOURNALIST AND TUSCALOOSA CIVIC LEADER.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature notes the death of Mr. Buford Boone of Tuscaloosa, Alabama, on February 7, 1983, at the age of 74 years; and

WHEREAS, A native of Newnan, Georgia, and a graduate of Macon's Mercer University, Mr. Boone began in 1929 a distinguished journalistic career in first association with *The Macon Telegraph* and *The Macon News*; he served as special agent with the Federal Bureau of Investigation from 1942 until 1946, returning to Macon as Editor of *The Telegraph* until 1947; and

WHEREAS, Mr. Boone retired in 1968 as president and publisher of *The Tuscaloosa News*, remaining until 1974 as chairman of

the board of the Tuscaloosa Newspapers, Incorporated, the publishing firm he organized in 1954; and

WHEREAS, thus ended an association with *The News* that spanned some 27 years and during which time Mr. Boone was awarded the most coveted of all honors, a Pulitzer Prize, cited by the Pulitzer Board for his editorial comment on the 1957 admittance of the first Black student to the University of Alabama; and

WHEREAS, in service to the profession he loved, Mr. Boone was responsible for establishing financial assistance for more than 300 university students and for assisting the university's department of journalism through numerous gifts and grants; and

WHEREAS, he was the recipient of a number of honors in his lifetime, in addition to the Pulitzer Prize, including the George Washington Medal from Freedoms Foundation, the Elijah Parish Lovejoy Award of Colby College, the Algernon Sydney Sullivan Award, and honorary doctorates among others; and

WHEREAS, Mr. Boone also was a silent contributor in all areas of community concern, much of which went largely unnoticed through accomplishments unheralded in keeping with his quiet humility, a desire for anonymity and disregard for personal publicity; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Buford Boone of Tuscaloosa, Alabama, one of our state's most prominent citizens and the most benevolent of humanitarians.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. Boone's wife, Mrs. Frances Herin Boone, that she and their son, James B. Boone, Jr., their daughter, Mrs. Janette B. Younkin and other family members may know of the sorrow we share with them and with the Tuscaloosa Community and the entire State of Alabama.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-122

S.J.R. 3—Senators Kirkland, Bishop,
Foshee and Teague

SENATE JOINT RESOLUTION

CREATING THE JOINT INTERIM OIL AND GAS STUDY

COMMITTEE.

WHEREAS, gas and oil is one of Alabama's fastest growing industries and there are recent discoveries attracting national interests which require the legislature to be properly and timely informed about this field and its effect on all our citizens; and

WHEREAS, there is a great need for a legislative committee to have special knowledge and information on the subject of oil and gas production, exploration and all other facets of the oil and gas industry; and

WHEREAS, there is a dire need in the State of Alabama for all facets of the oil and gas industry and the laws pertaining thereto of the State of Alabama to be studied with attention on the results affecting the people of Alabama and the fiscal opportunities and liabilities for the state, and the legislature needs to have recommendations for guidance on these complex issues; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Oil and Gas Joint Interim Study Committee to study the oil and gas industry, the laws pertaining thereto, production and exploration of oil and gas in this state, its regulation, the fiscal opportunities and liabilities for the state, these industries' effect upon our citizens, and all pertinent facets thereof.

BE IT FURTHER RESOLVED, That the said joint committee shall be composed of a total of eight (8) members of which four (4) members shall be appointed each by the Lieutenant Governor and the Speaker of the House; the chairman and vice chairman shall be selected by the members from among its membership and the meetings shall be at the call of the chairman or at the written request of any four members. The members shall serve until the expiration of the term of their current office. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the term.

RESOLVED FURTHER, That upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as the committee's work may require. Each member shall be entitled to his regular legislative compensation, his per diem and travel expenses within or without the state for each day he is on business of the committee or attends its meetings when the legislature is not in session or is in recess without pay. Such sums shall be paid out of sums appropriated to the use of the legislature on approval by the chairman and in accordance with law; provided, however, the total of such sums shall not exceed \$10,000.00 in total throughout the entirety of the life of this interim

committee as established by this resolution.

BE IT FURTHER RESOLVED, That the committee shall be empowered to call witnesses to testify under oath and the members of the state Gas and Oil Board, other state agencies, and the employees thereof shall furnish, upon request of the committee, any and all information, data and documents which the committee may need or request to implement its duties, the chairman of said committee shall have the power to issue witness subpoenas and subpoenas duces tecum.

BE IT FURTHER RESOLVED, That the committee shall make its report, findings and recommendations to the legislature no later than the tenth legislative day of each Regular Session. It shall stand discharged upon making its final report in the regular session of the members' last year of their term of office.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-123

H. 4—Reps. Starkey, Ashley

AN ACT

Relating to Lauderdale County; amending Act No. 88, S. 181, 1959 Regular Session, (Acts 1959, p. 509), as amended, which provides for the county law library, so as to provide further for the collection of court costs for the maintenance of said library.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1, 2 and 4 of Act No. 88, S. 181, 1959 Regular Session, (Acts 1959, p. 509), as amended, are hereby amended to read as follows:

“Section 1. The governing body of Lauderdale County, Alabama, by whatever named called, is hereby authorized to establish and maintain a Public Law Library in said County, and to accomplish said purpose, may from time to time, expend such public funds of said County, as are not required by law to be expended for any other purpose or purposes, to provide suitable housing quarters, furniture, fixtures and equipment therefor, to keep the same in a good state of maintenance and repair, and, from time to time, to enlarge, expand and improve such Library, facilities and equipment, and from time to time, to provide such books, reports and periodicals for said Library as are not provided therefor out of the special fund created by this Act or otherwise, and to pay the salaries of an assistant librarian and such other personnel as may be necessary and proper to operate the same, to the extent that such salaries are not

paid out of the proceeds of such special fund; which expenditures shall, from time to time, be made on warrants drawn in the usual manner, upon the Lauderdale County Law Library Fund, payable out of appropriate fund or funds.

“Section 2. In order to provide a special fund for the maintenance of said library there shall be taxed as cost:

“The sum of one dollar in each misdemeanor case or case involving the violation of a municipal ordinance other than an ordinance relating to parking vehicles filed in a municipal court;

“The sum of two dollars in each criminal case, quasi-criminal case or civil case filed in the county court, and in each criminal case or quasi-criminal case involving a misdemeanor filed in, arising in, or brought by appeal, certiorari or otherwise to the circuit court of Lauderdale County;

“The sum of two dollars in each criminal or quasi-criminal case involving a felony and in each civil action at law, suit in equity, proceeding on a forfeited bail bond, or proceeding on a forfeited bond given in connection with an appeal from a judgment of conviction in any inferior court to the circuit court of Lauderdale County, hereafter filed in, arising in, or brought by appeal, certiorari or otherwise to the circuit court of Lauderdale County.

“Such costs shall be collected as other cost in such courts are collected and shall be paid by the magistrate, clerk of the court or registers thereof, as the case may be, to the Lauderdale County Law Library Fund of Lauderdale County, Alabama.

“Section 4. The sums herein provided shall be kept in a separate fund designated as ‘Lauderdale County Law Library Fund’ and shall be expended by the Librarian, by and with the consent of the Advisory Committee, for maintaining said Law Library. Said Librarian shall draw warrants on the Lauderdale County Law Library Fund for expenditures, indicating on the warrants the fund against which the warrants are drawn. Said fund shall be used primarily to lease or purchase, from time to time, under conditional sales contracts in anticipation of future revenue under this Act or otherwise as the said Librarian may deem expedient, such books and periodicals, and to pay the salaries of such personnel, as may in the opinion of the said Librarian be advisable, or for such other use or purpose as the Librarian deems reasonable and proper for the operation of said library, or the Circuit Court of Lauderdale County but to the extent not so used funds may otherwise be expended for the maintenance of said Library. All books or other property purchased with the funds produced by this Act shall be the property of Lauderdale County, Alabama, provided, however, that the said Librarian may

from time to time, sell at public or private sale or exchange any such books, reports, periodicals, and personal property, and apply the proceeds from the sale thereof, or the value thereof, upon the purchase of other books, reports, periodicals and personal property for use in said Library, and said Librarian may accept any gift or loan of any books, reports, periodicals and property for public use in said Library upon such terms and conditions as may be stipulated by the donor or lender thereof and as may be agreeable to the said Librarian. Said Librarian may appoint such assistant librarian and other personnel as may in his opinion be necessary or proper to operate said Library, and, to the extent that in the opinion of said Librarian the circumstances permit, may require the Clerks of said Courts, and/or the Register of said Courts, and/or the official Reporters of said Circuit Court and Law and Equity Court to operate the same or to assist therein, either with or without additional compensation therefor from said fund as the Librarian shall direct."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-124

H. 15—Reps. Adams, Johnson (A. L.)

AN ACT

Relating to Russell County; providing that any person who was employed in the office of judge of probate prior to the election of any probate judge shall be entitled to continued employment in that office notwithstanding that such judge of probate is related by blood or marriage.

Be It Enacted by the Legislature of Alabama:

Section 1. In Russell County, any law, whether special, local or general, to the contrary notwithstanding, any person who is employed in the office of judge of probate prior to the election of any probate judge and who is related by blood or marriage to such judge shall be entitled to continue employment in that office at the pleasure of the judge of probate of Russell County.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-125

H. 16—Rep. Owens

AN ACT

To repeal Section 19 of Act No. 82-561, S. 102, Regular Session 1982 (Acts 1982, p. 922), relating to the Alabama Life and Disability Insurance Guaranty Association Act, which section prohibits the use of advertising of the Life and Disability Insurance Guaranty Association for purposes of sales, solicitation, or inducement to purchase any form of insurance covered by said act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 19 of Act No. 82-561, S. 102, Regular Session 1982 (Acts 1982, p. 922) is hereby repealed.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-126

H.J.R. 41—Reps. Prquitt, Casey

HOUSE JOINT RESOLUTION

CONGRATULATING MUNFORD HIGH SCHOOL LIONS.

WHEREAS, the Legislature of Alabama heartily congratulates the Munford High School Lions on its outstanding basketball season; and

WHEREAS, the Lions are currently ranked Number 2 in the state in Class 2A basketball; and

WHEREAS, this fine team under the capable leadership of Coach Leon Stephens defeated 3A Childersburg, 3A Sylacauga and 4A Talladega to earn the Talladega County Championship; and

WHEREAS, this was the first overall county championship for Munford since 1962; a victory for small-school basketball and for small towns in general; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Munford High School Lions for their outstanding achievement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Stephens on behalf of the Alabama Legislature with a copy also provided for appropriate school display.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-127

H.J.R. 42—Rep. Richardson

HOUSE JOINT RESOLUTION

CONGRATULATING MRS. HENRY GRADY JACOBS OF SCOTTSBORO, ALABAMA, ON THE OCCASION OF HER 90TH BIRTHDAY.

WHEREAS, the Alabama Legislature notes with pleasure the occasion of Mrs. Henry Grady Jacobs' 90th birthday on February 21, 1983; and

WHEREAS, Mrs. Jacobs, who was born Louise Willson on February 21, 1893, in Scottsboro, is the widow of the late Henry G. Jacobs, a prominent banker of that city; and

WHEREAS, Mrs. Jacobs, who is a lifelong resident of her community, is a member of the First Baptist Church of Scottsboro where she is faithful in attendance, and in service as a Sunday School teacher since 1913; and

WHEREAS, it is to be noted that a party will be held in her honor hosted by her children and grandchildren, and will be a festive occasion and an opportunity to receive the congratulations and best wishes of her family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the family and friends of Mrs. Henry Grady Jacobs of Scottsboro, Alabama, in extending heartiest congratulations on her 90th birthday and direct that she receive a copy of this resolution in token of our sincere regard and warm best wishes for many more years of

good health and happiness.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-128

H.J.R. 47—Rep. Hammett

HOUSE JOINT RESOLUTION

COMMENDING MR. JIM SULLIVAN OF ANDALUSIA ON HIS APPOINTMENT TO THE PRESIDENCY OF THE ALABAMA PUBLIC SERVICE COMMISSION.

WHEREAS, the Alabama Legislature is pleased to note the recent appointment by Governor George C. Wallace of Mr. Jim Sullivan of Andalusia, Alabama, to assume the presidency of the Alabama Public Service Commission; and

WHEREAS, eminently qualified for such a prestigious position, Mr. Sullivan is a graduate of the University of Mississippi with a degree in Banking and Finance; he additionally holds a Masters Degree from the University of Alabama, also in Banking and Finance, as well as a degree from the University of Alabama School of Law; and

WHEREAS, prior to his appointment to the commission, Mr. Sullivan was president of a Covington County retail firm and was also involved in the private practice of law; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend Mr. Jim Sullivan on his recent appointment to the presidency of the Alabama Public Service Commission and direct that he receive a copy of this resolution that he and his wife, Susan, and their family may know of our sincere warm praise and regard.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-129

H.J.R. 48—Rep. Hammett

HOUSE JOINT RESOLUTION

COMMENDING MR. BILL McCLAIN OF ANDALUSIA, COVINGTON COUNTY ENGINEER.

WHEREAS, Covington County Engineer Bill McClain of Andalusia, Alabama, was recently honored by the Alabama Association of County Engineers with the organization's annual award of merit for outstanding service in areas beneficial to county government; and

WHEREAS, Mr. McClain has been an exemplary Covington County employee since joining the engineering department in 1968, to be named county engineer in 1970; and

WHEREAS, in addition to the established responsibility of his positions, Mr. McClain also has authored two reports, directing attention to deficiencies which have existed in the distribution of state and federal highway funds; and

WHEREAS, Mr. McClain's recent award of the state association of county engineers is a prestigious honor indeed as it publicly proclaims the high regard of his peers and professional associates; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly congratulate and commend Mr. Bill McClain of Andalusia, Alabama, and direct that he receive a copy of this resolution in token of our warm praise and in appreciation of his distinguished service to Covington County and the State of Alabama.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-130

H.J.R. 50—Rep. Rogers

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF DOCTOR JULIET NUNN PEARSON.

WHEREAS, the Legislature of Alabama grievously notes the death of Doctor Juliet Nunn Pearson of Birmingham, Alabama, on February 5, 1983; and

WHEREAS, Doctor Pearson, who was the beloved wife of our friend and colleague, Senator J. Richmond Pearson, also is survived by their two daughters, Janine Richet and Julene Ranicea; and

WHEREAS, Doctor Pearson, at the time of her death and since 1980, was associated with the University of Alabama-Birmingham as Project Director of the Biomedical Sciences Program, University of Alabama-Birmingham Special Studies, School of Community and Allied Health; she also served as affirmative action officer for the

University Special Studies, and as Coordinator of the Black Studies Series for Special Studies; and

WHEREAS, the Biomedical Sciences Program was designed to support a unique project to deal with the national problems of under utilization of potentially talented, disadvantaged youths in the scientific and medical community of the country; UAB's project, so astutely directed by Dr. Pearson, provides support for 100 Birmingham students, their parents, guidance counsellors and teachers in introducing and motivating interest in and preparation for careers in biomedical sciences; and

WHEREAS, eminently qualified for the leadership she provided at UAB, Doctor Pearson was a graduate of Miles College, Michigan University and the University of Alabama where she respectively earned B.A., M.A. and Ed.D. Degrees; she was a Birmingham native and a former public school educator for some 25 years with the Jefferson County Board of Education; and

WHEREAS, Doctor Pearson's numerous professional and community involvements extended to include the Alabama, National and Jefferson County Education Associations, the American Teachers Association, South Tittusville Civic League, South Tittusville Citizens Participation Committee, and the Thirgood C.M.E. Church which she faithfully served in such capacities as member of the Steward Board, Chairperson of the Scholarship Fund, Member of the Board of Christian Education and as Instructor of Prayer Ministry; and

WHEREAS, she additionally served her community as a member of the Positive Maturity Board of Directors, on the South Elyton Civic League Board and in involvement with the Birmingham Children's Theatre; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Doctor Juliet Nunn Pearson, sharing our grief with the Birmingham Community, and with her family, so dear to her heart, and for whom copies of this resolution shall be provided.

Approved February 22, 1983

Time: 3:40 P.M.

AN ACT

To adopt and incorporate into the Code of Alabama 1975 all general and permanent classified municipal laws of the State adopted by the legislature during the 1979 and 1980 Sessions and the 1981 Regular Session and all general and permanent laws, including the classified municipal laws, of the State adopted by the legislature during the 1981 First, Second and Third Special Sessions, the 1982 Regular Session and the 1982 First Special Session, as contained in the 1982 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement; to adopt and incorporate into the Code of Alabama 1975 the Intestate Succession and Wills Act (Act No. 82-399, S. 49, 1982 Regular Session, referred to as the Probate Code) as contained in Chapter 8 of Title 43 of the 1982 Replacement Volume 22 of the Code; and to adopt and incorporate into the Code of Alabama 1975 all general and permanent laws of the State adopted by the legislature during the 1982 Second Special Session as contained in the 1982 Interim Supplement to the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. The 1982 Cumulative Supplement to the Code of Alabama 1975 containing all general and permanent classified municipal laws of the State adopted by the legislature during the 1979 and 1980 Sessions and the 1981 Regular Session and all general and permanent laws, including the classified municipal laws, of the State adopted by the legislature during the 1981 First, Second and Third Special Sessions, the 1982 Regular Session and the 1982 First Special Session, as prepared by the Bobbs-Merrill Company and The Michie Company, jointly, as the Alabama Code Commissioner, which said 1982 Cumulative Supplement is identified and authenticated by the Great Seal of the State of Alabama placed upon the front and back covers of each of the Volumes 3 through 22 thereof, be and the same is hereby adopted and incorporated into the Code of Alabama 1975 as adopted by Act No. 20, H. 100, of the 1977 Regular Session of the legislature, approved February 15, 1977 (Acts of 1977, p. 28). Provided, however, the following corrections shall be made to said 1982 Cumulative Supplement:

1. § 9-7-22, Volume 7, p. 20: At the end of subsection (a) of this section, delete the word "board" and remove the brackets from the word "department".
2. § 9-7A-2, Volume 7, p. 21: In subdivision (3) of this section, change the definition of "Fund" to read "The Alabama recreation capital assistance fund".
3. § 9-7A-16, Volume 7, p. 24: On the second line of this section, delete the word "department's" and insert in lieu thereof "department of conservation and natural resources,".
4. § 9-7A-16, Volume 7, p. 24: On the fourth line of this section, delete the word "fund's" and insert in lieu thereof "division's".
5. § 9-7A-16, Volume 7, p. 24: At the end of this section, make

the term "the department" read "the department of conservation and natural resources".

6. § 11-54-122, Volume 10, p. 25: At the end of subdivision (3) of this section, insert between the words "Development" and "Act" the word "Board".

7. § 16-60-113, Volume 13, p. 154: Following this section, insert the following provisions (Acts 1982, No. 82-486, § 13.) as § 16-60-114: "Any other law to the contrary notwithstanding, the authority, powers and duties prescribed in sections 16-60-80 through 16-60-96, relating to the Alabama Trade School and Junior College Authority Act, are hereby transferred to the chancellor and expressly removed from the state superintendent of education; provided further, any other law to the contrary notwithstanding, this article shall be construed to require that all actions of the state board of education concerning the junior colleges and trade schools which previously have required the recommendation of the state superintendent of education shall now require only the recommendation of the chancellor; provided, however, that this article shall not be construed as removing the state superintendent of education from membership on any board, commission, authority or other agency on which the state superintendent of education now serves except as otherwise provided herein."

8. § 20-2-93, Volume 14, p. 43: On the second line of subdivision (5) of subsection (a) of this section, insert between the words "transport" and "in" the word "or".

9. § 20-2-93, Volume 14, p. 43: On the last line of paragraph c of subdivision (5) of subsection (a) of this section, change the word "or" following "knowledge" to "of".

10. § 20-2-93, Volume 14, p. 44: At the end of subdivision (2) of subsection (d) of this section, add the word "or" following the semicolon.

11. § 20-2-141, Volume 14, p. 50: On the second line of subdivision (4) of this section, change the word "repacking" to "repackaging".

12. § 22-22A-13, Volume 14, p. 202: Following this section, insert the following provision [Acts 1982, No. 82-612, § 14 (d) and (e)] as § 22-22A-14 and § 22-22A-15, respectively:

"The department established by this chapter is hereby exempt from the provisions of the Administrative Procedure Act, chapter 22 of Title 41.

"No provision of this chapter shall be construed to repeal in whole or in part any provision of section 22-30-5.1."

13. § 22-32-1, Volume 14, p. 253: At the end of the first line of paragraph a of Article V of the compact contained in this section, insert the word "be" following the word "not".

14. § 34-24-230, Volume 18, p. 155: On the last line of subdivision (9) of this section, change the word "bone" to "dome".

15. § 34-24-367, Volume 18, p. 170: On the third line of this section, place a period following the word "court" and between the period and the word "of" insert the following: "If it is subsequently determined by a court".

16. § 34-24-367, Volume 18, p. 170: On the second line from the end of this section, insert between the words "to" and "chapter" the following: "the Alabama Administrative Procedure Act," and also insert a comma following "Title 41".

17. § 34-31-20, Volume 18, p. 220: On the last line of subsection (a) of this section, insert between the words "four" and "terms" the word "year".

18. § 34-31-33, Volume 18, p. 224: On the first line of this section, insert between the words "in" and "chapter" the following: "the Alabama Administrative Procedure Act,".

19. § 34-31-34, Volume 18, p. 224: Insert between the words "by" and "chapter" the following: "the Alabama Administrative Procedure Act,".

20. § 41-9-43, Volume 22, p. 34: On the second line from the end of this section, insert between the words "shall" and "be" the word "not".

Section 2. Chapter 8 of Title 43 of the 1982 Replacement Volume 22 of the Code of Alabama 1975, containing the Intestate Succession and Wills Act, No. 82-399, S. 49, 1982 Regular Session, referred to as the Probate Code, as prepared by the Bobbs-Merrill Company and The Michie Company, jointly, as the Alabama Code Commissioner, which said Chapter 8 of Title 43 of the 1982 Replacement Volume 22 of the Code is identified and authenticated by the Great Seal of the State of Alabama placed upon the beginning page 636 and the ending page 779, be and the same is hereby adopted and incorporated into the Code of Alabama 1975 as adopted by Act No. 20, H. 100, of the 1977 Regular Session of the legislature, approved February 15, 1977 (Acts of 1977, p. 28).

Section 3. The part of the 1982 Interim Supplement to the Code of Alabama 1975 containing all general and permanent laws of the State adopted by the legislature during the 1982 Second Special Session, as prepared by the Bobbs-Merrill Company and The Michie Company, jointly, as the Alabama Code Commissioner,

which said part of the 1982 Interim Supplement to the Code is identified and authenticated by the Great Seal of the State of Alabama placed upon the beginning page 11 and the ending page 65, be and the same is hereby adopted and incorporated into the Code of Alabama 1975 as adopted by Act No. 20, H. 100, of the 1977 Regular Session of the legislature, approved February 15, 1977 (Acts 1977, p. 28).

Section 4. It is provided further that the adoption of this act shall not repeal, supersede, amend, or in any other way affect any statute enacted into law during the 1982 Third Special Session or any 1983 session of the legislature.

Section 5. Upon passage and approval of this act, the duly authenticated 1982 Cumulative Supplement, as corrected, the duly authenticated Probate Code and the duly authenticated part of the 1982 Interim Supplement shall each be transmitted to the Secretary of State, who shall file said documents in that office. Said documents shall not be removed from the office of the Secretary of State, but the Secretary of State, upon request, under proper certificate and seal of that office, shall certify any part or parts thereof upon payment of the fee specified by law for similar service.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 22, 1983

Time: 3:40 P.M.

Act No. 83-132

H.J.R. 25—Reps. Penry, Harper, Turner, McMillan, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holmes,

Horn, Howard, Johnson
 (A.L.), Johnson (R.G.),
 Johnson (Roy), Junkins,
 Kennedy, Kvalheim, Laird,
 Langford, Lauderdale,
 Layton, Lewis, McKee,
 Manley, Martin, Mathis,
 Melton, Minus, Mitchell,
 Moore, Murphy, Nevett,
 Newman, Nicholson, Owens,
 Parker, Payne, Poole,
 Preuitt, Rains, Reed, Rice,
 Richardson, Rogers, Sasser,
 Scott, Seibels, Smith,
 Starkey, Starr, Stout,
 Thomas, Thornton,
 Trammell, Tucker, Turnham,
 Venable, Waggoner, Warren,
 White (F), White (L),
 Williams, Wilson, Wright,
 Zoghby.

HOUSE JOINT RESOLUTION

WHEREAS, although large deposits of gas and oil have been made throughout the State of Alabama, and

WHEREAS, regardless, the unemployment rate of the State remains second highest in the nation; and

WHEREAS, numerous jobs, services, and products are used by the Oil and Gas Industry operating presently, and a new field of services is now opening up with drilling in the waters of the State; and

WHEREAS, with the Oil and Gas Industry requiring various trades, services, and products now available in the State, we are aware that many Alabamians with oil field related skills are now employed out of state and country, and, that the special type of oil field equipment, products, and services required by the oil industry can be made available to them by Alabamians who wish to do business with the Alabama oil industry. Therefore, we charge you to recruit, obtain, and be able to offer to the oil industry of Alabama these special needs; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the citizens of the State of Alabama wishing to offer the sale of their services and products to the oil and gas industry operating in the State of Alabama

and its adjacent waters to strive further to fulfill the needs of the oil and gas industry of Alabama with Alabamian offered services, products, skills, etc.

Since upon the forming of the Oil and Gas Industry Services Association, Inc., on January 12, 1983, liaison between the members of the association and the oil and gas industry has greatly improved and with the publication of the OIL AND GAS INDUSTRY DIRECTORY, listing the names of people and companies of Alabama, wishing to supply the oil and gas industry with their particular type of service, skills, and products, we wish to assist and promote any other such efforts to make available to the oil and gas industry their needs through Alabama companies or groups.

BE IT FURTHER RESOLVED, That the Clerk of the House be and hereby is instructed to deliver to all gas, oil, drilling and other companies a copy of this resolution so that they may comply with the wishes of the Senate and House of the State Legislature.

Approved February 22, 1983

Time: 3:45 P.M.

Act No. 83-133

H.J.R. 54—Reps. Martin, Parker, Drake,
Dutton

HOUSE JOINT RESOLUTION

COMMENDING AUSTIN HIGH SCHOOL'S COACH JOE JONES FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, February 5, 1983, was a red letter day for basketball Coach Joe Jones, and his Austin High School Black Bears, when the Bears claimed the Morgan County Boys' Basketball Tournament by virtue of a 75-53 triumph over Albert P. Brewer High School; and

WHEREAS, not only was this the 16th time for a Jones-coached team to take the Morgan County title, but it was Coach Jones' 600th varsity win in his 32-year career; and

WHEREAS, Coach Joe Jones also, most significantly, claimed his milestone victory number 600 in Danville where his phenomenal career first began and as a novice coach, netted a mere two wins during that freshman season; and

WHEREAS, from that time on, it was straight to the top for an extraordinary man who has long been widely recognized as one of the top coaches in the state with three of his teams claiming state

titles, each in different classes, and two of the teams earning runner-up positions for the state championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in extreme pleasure, exceeded only by our pride in his accomplishments, we hereby both heartily congratulate and most highly commend Coach Joe Jones of Decatur, Alabama's Austin High School.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Jones that he and his wife, Dean, their three daughters and other family members may know of our sincere warm praise and regard in his milestone 600th varsity victory and his most singular coaching career.

Approved February 22, 1983

Time: 3:45 P.M.

Act No. 83-134

H.J.R. 59—Reps. Parker, Martin, Dutton,
Drake

HOUSE JOINT RESOLUTION

COMMENDING MR. PHILLIP L. PARKER OF DECATUR, ALABAMA, WINNER OF THE FIRST "BIRMINGHAM 50 MILES."

WHEREAS, the Alabama Legislature extends heartiest congratulations to Mr. Phillip L. Parker of Decatur, Alabama, winner of the first "Birmingham 50 Miles" on February 12, 1983; and

WHEREAS, Mr. Parker, a Decatur native and a graduate of Morgan County High School and Jacksonville State University, is associated with the Lawrence County School System as a member of the faculty of Hazelwood High School; he also is active in numerous civic and community affairs; and

WHEREAS, the "Birmingham 50 Miles" foot race is the first such race of its kind in the entire State of Alabama with the maiden event attracting a field of 39 racing enthusiasts from all areas of the State and Southeast; and

WHEREAS, it is to be noted that Mr. Parker, previous winner of a number of other races and competitions, took first place with a time of just five hours, 49 minutes and 40 seconds; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Mr. Phillip L. Parker of Decatur, Alabama, as

the winner of the first "Birmingham 50 Miles"; we further commend him for outstanding accomplishments in numerous areas of community concern and direct that he receive a copy of this resolution that he and his wife, Mabel, their son, Mark, and other family members may know of our sincere warm praise and regard.

Approved February 22, 1983

Time: 3:45 P.M.

Act No. 83-135

H.J.R. 60—Reps. Nicholson, Brakefield

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. JERRY RAY KIMBRELL OF WALKER COUNTY, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Legislature of Alabama notes the death of Mr. Jerry Ray Kimbrell of Walker County, Alabama, on December 28, 1982, at the age of 77 years; and

WHEREAS, Mr. Kimbrell, who was active in the coal mining industry for more than four decades also was a member and active participant in the United Mine Workers of America for 42 years; and

WHEREAS, he further was involved in the political affairs of his area, as senior member, with 25 years service, of the Walker County Democratic Executive Committee; and

WHEREAS, Mr. Kimbrell was a longtime member of the Sardis Nazarene Church which he served for over 40 years either as board member or in other church offices; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Jerry Ray Kimbrell of Walker County, Alabama, and extend our most heartfelt sympathy to his wife and to his two surviving children and their families, for whom a copy of this resolution shall be provided.

Approved February 22, 1983

Time: 3:45 P.M.

Act No. 83-136

H.J.R. 61—Reps. Nicholson, Brakefield

HOUSE JOINT RESOLUTION

COMMENDING MR. CHARLES B. CRUTCHFIELD, PROMINENT WALKER COUNTY BUSINESSMAN.

WHEREAS, January 1983 marked the Golden Anniversary of Walker County's oldest Black business establishment in years of continuous operation; and

WHEREAS, opened on January 5, 1933, the business is now called Crutchfield Barber Shop; through the years, however, its proprietor, Mr. Charles B. Crutchfield, has stocked and sold general merchandise, signed bail bonds, provided outboard motor repairs and given fishing lessons for his customers; and

WHEREAS, in addition to business responsibilities, Mr. Crutchfield and his wife, Mrs. Cassie Crutchfield, are active in numerous community affairs, including most particularly the affairs of the CME Methodist Church of Jasper, Alabama, where they have been faithful in membership and service for a number of years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Charles B. Crutchfield as one of Walker County's most prominent businessmen; we further congratulate him on the 50th anniversary of the Crutchfield Barber Shop and direct that he and his wife and family receive a copy of this resolution in token of our sincere warm praise and regard.

Approved February 22, 1983

Time: 3:45 P.M.

Act No. 83-137

H.J.R. 62—Rep. Owens

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. MILLARD FILLMORE DAILEY, JR., OF BRENT, ALABAMA.

WHEREAS, in a sense of deep sorrow and regret, the Legislature of Alabama notes the death of Mr. Millard Fillmore Dailey of Brent, Alabama, on February 7, 1983, at the age of just 57 years; and

WHEREAS, a prominent Bibb County businessman, Mr. Dailey had operated automobile dealerships and other businesses in both Brent and Centreville during his working years; at the time of his death he was owner and manager of Centreville's Dailey-Faucett Motor Company; and

WHEREAS, Mr. Dailey, who held the rank of colonel in the

Alabama National Guard, was an organizer, in 1953, and one of the first members of his local National Guard unit; he further served as the unit's first commanding officer and was primarily instrumental in the building of the present armory in Centreville; and

WHEREAS, he also was active in a number of the civic and business affairs of his community, and was a longtime member of the Brent Baptist Church which he served in responsible membership, and in various church offices; and

WHEREAS, the death of Mr. Millard F. Dailey has indeed left a deep void in the community he served throughout his lifetime, and in the lives of all those privileged to know him as a man of honor and one of deep compassion and concern for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Millard Fillmore Dailey, Jr., of Brent, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Ruth Faucett Dailey; to their daughter and son, Mrs. Milla Boschung and Gary W. Dailey; to his mother, Mrs. Edna M. Dailey, and other family members for whom we are truly concerned in their time of such great sorrow.

Approved February 22, 1983

Time: 3:45 P.M.

Act No. 82-138

H.J.R. 65—Reps. Adams, Johnson (A. L.)

HOUSE JOINT RESOLUTION

COMMEMORATING THE INCORPORATION OF PHENIX CITY, ALABAMA, FEBRUARY 23, 1883.

WHEREAS, the City of Phenix City, Alabama, was first incorporated as the Town of Brownville by Act of the Alabama Legislature, House Bill 585, on February 23, 1883; and

WHEREAS, it is then recorded that the Town of Brownville became the City of Phenix City, again by Act of the Alabama Legislature, House Bill 679, on February 19, 1889; and

WHEREAS, the City of Phenix City is observing its Centennial Year with a year-long Centennial Celebration to begin February 23, 1983, on the 100th anniversary date of its incorporation; and

WHEREAS, the City of Phenix City has grown in the 100 years since incorporation from a small border town on the banks of the Chattahoochee into Alabama's 11th largest city, based on its current

population of 27,000; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the citizens of Phenix City, Alabama, in celebration of the City's Centennial Year and in shared pride of the progress, growth and singular achievement of Alabama's 11th largest metropolis.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for presentation to the City of Phenix City, Alabama, in expression of commendatory praise and congratulations of both the House and Senate of the Alabama Legislature.

Approved February 22, 1983

Time: 3:45 P.M.

Act No. 83-139

H.J.R. 70—Rep. Gaston

HOUSE JOINT RESOLUTION

COMMENDING THE MOBILE PRESS REGISTER NEWSPAPER FOR RUNNING FREE ADS TO ASSIST THE UNEMPLOYED.

WHEREAS, the State of Alabama has one of the highest unemployment rates in the nation; and

WHEREAS, the Mobile Press Register is doing something to assist the unemployed in their trade area; and

WHEREAS, the Mobile Press Register is to be highly commended on their program of running free ads for unemployed persons seeking employment; and

WHEREAS, this program is working very well and is recommended for other newspapers throughout this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend the Mobile Press Register on their program of running free ads for the unemployed.

Approved February 22, 1983

Time: 3:45 P.M.

Act No. 83-140

H.J.R. 76—Reps. Stout, Rains, Richardson

HOUSE JOINT RESOLUTION

COMMENDING DOCTOR GEORGE S. KILLIAN OF FORT PAYNE, ALABAMA, AS PRESIDENT OF THE ALABAMA CATTLEMEN'S ASSOCIATION.

WHEREAS, the Legislature of Alabama notes with warm praise and regard the February 9, 1983, installation of Doctor George S. Killian of Fort Payne, Alabama, as president of the Alabama Cattlemen's Association; and

WHEREAS, Dr. Killian, who has served as president of both the Alabama Veterinary Medical Association and the DeKalb County Chapter of the Auburn Alumni Association, has been the recipient of numerous awards and honors in recognition of his service and leadership, not only to the Cattlemen's Association but in many other areas of community and statewide concern; and

WHEREAS, prestigious recognition and awards of appreciation have been accorded Dr. Killian by the Fort Payne Chamber of Commerce which he has served as director, by the Parent-Teachers Association Council, and the Alabama Cooperative Extension service, as well as prior honors of the Alabama Cattlemen's Association over which he now presides; and

WHEREAS, it is the consensus of this body that Doctor Killian's forthcoming tenure as president of the Cattlemen's Association will prove to be an era of progressive and responsible leadership and a continuation of the dedicated service he has long provided through membership and previous official positions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Doctor George S. Killian as President of the Alabama Cattlemen's Association; we further direct that copies of this resolution be provided for Dr. Killian, his wife and family that they all may know of our sincere warm praise and regard.

Approved February 22, 1983

Time: 3:45 P.M.

Act No. 83-141

S. 7—Senator Parsons

AN ACT

Relating to the Tenth Judicial Circuit of Alabama, including the Bessemer Division thereof; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only to the Tenth Judicial Circuit of Alabama, including the Bessemer Division thereof.

Section 2. If a defendant in a criminal case pending in a court of competent jurisdiction shall enter a written plea of not guilty at any time prior to the day of his arraignment such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or at which he is represented by an attorney.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 22, 1983

Time: 3:45 P.M.

Act No. 83-142

S. 18—Senator Hilliard

AN ACT

To authorize Class I cities to establish Enterprise Zones in areas of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such cities, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zones, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zones, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such Class I cities or private entities within such zones under any act of the Congress of the United States heretofore or hereafter enacted.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature of Alabama hereby finds and declares that the health, safety and welfare of the people of Class I cities are enhanced by the continual encouragement, development, growth and expansion of private enterprise within this state. That there are certain economically depressed areas in such cities that need particular attention to create new jobs, stimulate economic activity and attract private sector investment rather than government subsidy to improve the quality of life of their citizens. It is the purpose of this Act to encourage new economic activity in these depressed areas of such Class I cities by means of reduced taxes and the removal of unnecessary governmental barriers to the production

and earning of wages and profits and the creation of economic growth.

Section 2. In order to further the purposes of this Act, Class I cities are hereby authorized to create by ordinance one or more specific areas as Enterprise Zones which the governing body finds are areas of pervasive poverty, unemployment, and general economic distress, and, in order to encourage private investment, to promote the creation of jobs within such zones, such Class I cities are hereby authorized within such zones to initiate and carry out special programs which include, but are not limited to, the following:

A. A reduction of municipal tax rates, municipal license rates and/or municipal fees for governmental services within such zones.

B. An increase in the level or efficiency of public services within the zone including provision for the providing of such services by nongovernment entities.

C. Reduction, removal, simplification, or other modification of regulatory requirements applying within such zones.

D. Involvement of private entities, organizations, neighborhood associations, and community groups with such zones, including the provision by such entities of jobs, job training, and technical, financial, and other assistance to employers, employees, and residents of such zones.

E. Other services or modification of requirements as may be necessary or desirable to qualify for financial assistance to such Class I cities or private entities within such zones under any act of the Congress of the United States heretofore or hereafter enacted.

Section 3. In carrying out any program established in an Enterprise Zone created hereunder, the governing body of the county in which such Class I city is situated, and all agencies of such Class I city and county agencies created thereby, and the State of Alabama and all agencies thereof, are hereby authorized to carry out programs which include, but are not limited to, those authorized for such Class I cities under the provisions of paragraphs A, B, C, and D of Section 2 above.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise be-

coming a law.

Approved February 22, 1983

Time: 3:45 P.M.

Act No. 83-143

S.J.R. 18—Senator Barron

SENATE JOINT RESOLUTION

CONGRATULATING MRS. HENRY GRADY JACOBS OF SCOTTSBORO, ALABAMA, ON THE OCCASION OF HER 90TH BIRTHDAY.

WHEREAS, the Alabama Legislature notes with pleasure the occasion of Mrs. Henry Grady Jacobs' 90th birthday on February 21, 1983; and

WHEREAS, Mrs. Jacobs, who was born Louise Willson on February 21, 1893, in Scottsboro, is the widow of the late Henry G. Jacobs, a prominent banker of that city; and

WHEREAS, Mrs. Jacobs, who is a lifelong resident of her community, is a member of the First Baptist Church of Scottsboro where she is faithful in attendance, and in service as a Sunday School teacher since 1913; and

WHEREAS, it is to be noted that a party will be held in her honor hosted by her children and grandchildren, and will be a festive occasion and an opportunity to receive the congratulations and best wishes of her family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the family and friends of Mrs. Henry Grady Jacobs of Scottsboro, Alabama, in extending heartiest congratulations on her 90th birthday and direct that she receive a copy of this resolution in token of our sincere regard and warm best wishes for many more years of good health and happiness.

Approved February 22, 1983

Time: 3:45 P.M.

Act No. 83-144

S.J.R. 20—Senator J. Smith

SENATE JOINT RESOLUTION

COMMENDING JUDGE MYRTLE GREEN OF HUNTS-

VILLE, ALABAMA.

WHEREAS, Miss Myrtle Green, a native of Deposit and a life-long resident of Madison County, Alabama, is a graduate of River-ton High School and of Howell Business College in Florence, Ala-bama; and

WHEREAS, Miss Green has been continuously employed in the Office of the Judge of Probate of Madison County, Alabama, for more than four decades, first as a clerk typist and later as Chief Clerk of the Probate Court, a position she held for 27 years and until her election to the Office of Probate Judge in 1979, winning without a run-off against three male opponents; and

WHEREAS, Judge Green is the first woman to have held the position of Chief Clerk and is the first woman, as well, to have been elected Judge of Probate in Madison County; and

WHEREAS, she is a member of the Huntsville Business and Professional Women's Club, Soroptimist Club of Huntsville, Huntsville-Madison County Chamber of Commerce, Madison County Democratic Women's Division, Probate Judges Association of Ala-bama, American Society for Public Administration, Madison County Mental Health Association and the Advisory Board of the Salvation Army; and

WHEREAS, Judge Green has been the recipient of a number of awards and honors including the Working Woman of the Year Award in 1970, Good Government Award in 1971 and the Liberty Bell Award; she also was a nominee in 1973 and 1982, for the Huntsville Jaycees Good Government Award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Judge Myrtle Green of Huntsville, Alabama, for her life-time of dedicated service in governmental affairs and direct that she receive a copy of this resolution in declaration of our warm praise and regard.

Approved February 22, 1983

Time: 3:45 P.M.

Act No. 83-145

S.J.R. 21—Senator Holmes

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. BOYD VAUGHAN OF THE SAKS COMMUNITY OF CALHOUN COUNTY, ALABAMA.

WHEREAS, the Alabama Legislature grievously notes the death of Mr. Boyd Vaughan of the Saks Community of Calhoun County, Alabama, on February 6, 1983, at the age of 70 years; and

WHEREAS, Mr. Vaughan, a member of a pioneer family of the area, was a resident of Saks some 63 years during which time he formed strong bonds and ties with the community he was to serve with dedicated devotion till his death; and

WHEREAS, Mr. Vaughan, who of necessity was schooled in Alexandria, was later to play an instrumental role in the establishment of a high school in Saks and to personally help finance the construction of a football stadium for Saks High School; and

WHEREAS, in further service to youth, Mr. Vaughan was chairman of the board of the Northside Boys Club, which he supported from its founding, playing a vital role in the dedication of the club's football field; he also was a former member of the Calhoun County Board of Education, and was actively involved with the Boy Scouts programs in his area; and

WHEREAS, Mr. Vaughan further was president and district governor of the Saks Civitan Club, choir director of the First Baptist Church of Saks, a member of the county Home Builders and Cattle-men's Associations, and was a longtime employee of Lee Brothers as chief engineer; and

WHEREAS, the death of Mr. Boyd Vaughan has indeed left a deep void in the lives and hearts of all those privileged to know and to love him as a true "first citizen" of the community he served for a lifetime; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mr. Boyd Vaughan of Saks, Alabama, and extend our most heartfelt sympathy to his devoted wife of 47 years, Mrs. Elane Green Vaughan, and to their daughters, Mrs. Linda Lineberry and Mrs. Becky Bresler; their sons, Roger C. and Phillip G. Vaughan; and other family members to whom a copy of this resolution shall be sent, in expression of our deeply shared sorrow in their great and grievous loss.

Approved February 22, 1983

Time: 3:45 P.M.

SENATE JOINT RESOLUTION

REQUESTING THE TENNESSEE VALLEY AUTHORITY TO PROPERLY RECLASSIFY THE ELECTRICITY RATES OF THE AGRICULTURAL COMMUNITY.

WHEREAS, the Tennessee Valley Authority has announced plans to require electric co-ops and municipalities purchasing TVA electrical power to classify agricultural operations as commercial; and

WHEREAS, agriculture has been in a serious market depression for several years with no foreseeable relief; and

WHEREAS, farmers rarely produce "finished" agricultural products ready for the consumer marketplace; and

WHEREAS, such reclassification will cost farmers an increase of approximately 29 percent in electrical rates; and

WHEREAS, agricultural operations consume the most power in the summertime when other power demand is low and at the very time of the year when TVA needs to increase consumption; and

WHEREAS, reclassifying agricultural operations to commercial will deal a serious economic blow to the citizens and the economy of this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama urgently requests that the Tennessee Valley Authority be caused to amend the new rate structure so as not to impose commercial rates on farmers and other agricultural producers.

BE IT FURTHER RESOLVED, That if the new rate structure is not changed to remove agricultural producers from the commercial classification; many that are now facing potential bankruptcy due to the actions of TVA, will go bankrupt.

RESOLVED FURTHER, That copies of this resolution be sent to the Directors of the Tennessee Valley Authority, Messers Charles Dean, Richard Freeman and David Freeman.

Approved February 22, 1983

Time: 3:45 P.M.

Boyington, Cabaniss,
Cooley, Corbett,
Covington,
deGraffenried, Denton,
Dixon, Figures, Foshee,
Goodwin, Harrison,
Hilliard, Holmes,
Keener, Kirkland,
Menton, Mitchell,
Mitchem, Parsons,
Proctor, Robertson,
Smith (B), Smith (J)
and Teague

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF DOCTOR JULIET NUNN PEARSON.

WHEREAS, the Legislature of Alabama grievously notes the death of Doctor Juliet Nunn Pearson of Birmingham, Alabama, on February 5, 1983; and

WHEREAS, Doctor Pearson, who was the beloved wife of our friend and colleague, Senator J. Richmond Pearson, also is survived by their two daughters, Janine Richet and Julene Ranicea; and

WHEREAS, Doctor Pearson, at the time of her death and since 1980, was associated with the University of Alabama-Birmingham as Project Director of the Biomedical Sciences Program, University of Alabama-Birmingham Special Studies, School of Community and Allied Health; she also served as affirmative action officer for the University Special Studies, and as Coordinator of the Black Studies Series for Special Studies; and

WHEREAS, the Biomedical Sciences Program was designed to support a unique project to deal with the national problems of under utilization of potentially talented, disadvantaged youths in the scientific and medical community of the country; UAB's project, so astutely directed by Dr. Pearson, provides support for 100 Birmingham students, their parents, guidance counsellors and teachers in introducing and motivating interest in and preparation for careers in biomedical sciences; and

WHEREAS, eminently qualified for the leadership she provided at UAB, Doctor Pearson was a graduate of Miles College, Michigan University and the University of Alabama where she respectively earned B.A., M.A. and Ed.D. Degrees; she was a Birmingham native and a former public school educator for some 25 years with the Jefferson County Board of Education; and

WHEREAS, Doctor Pearson's numerous professional and community involvements extended to include the Alabama, National and Jefferson County Education Associations, the American Teachers Association, South Tittusville Civic League, South Tittusville Citizens Participation Committee, and the Thirgood C.M.E. Church which she faithfully served in such capacities as member of the Steward Board, Chairperson of the Scholarship Fund, Member of the Board of Christian Education and as Instructor of Prayer Ministry; and

WHEREAS, she additionally served her community as a member of the Positive Maturity Board of Directors, on the South Elyton Civic League Board and in involvement with the Birmingham Children's Theatre; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Doctor Juliet Nunn Pearson, sharing our grief with the Birmingham Community, and with her family, so dear to her heart, and for whom copies of this resolution shall be provided.

Approved February 22, 1983

Time: 3:45 P.M.

Act No. 83-148

S.J.R. 27—Senator Bedford

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. WILLIAM DEXTER MAY OF WINFIELD, ALABAMA.

WHEREAS, it is with deep regret that the Alabama Legislature notes the death of Mr. William Dexter May of Winfield, Alabama, on November 28, 1982, at the age of 58 years; and

WHEREAS, Mr. May, a native and lifelong resident of Marion County, was a graduate of Winfield High School, a veteran of World War II and a former employee of the Fairfield Tin Mill for some 26 years; and

WHEREAS, Mr. May also was a prominent restaurateur who, with his family, owned and operated the Winfield Family Inn and Restaurant for a number of years; and

WHEREAS, he was a member of the Winfield Church of Christ, a member of Winfield Lions Club and, at the time of his death, was serving by appointment of the Winfield City Council as a member of

the city's Water Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. William Dexter May of Winfield, Alabama, and extend our most heartfelt sympathy to his family and many friends who are so deeply saddened by their loss.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. May's parents, Mr. and Mrs. Marshall May, that they and other family members may know of our sympathy and concern for them all in their time of such great grief.

Approved February 22, 1983

Time: 3:45 P.M.

Act No. 83-149

S.J.R. 28—Senators Kirkland and Little

SENATE JOINT RESOLUTION

COMMENDING AUBURN UNIVERSITY'S DOWE AUGHTMAN, ASSOCIATED PRESS ALL-SOUTHEASTERN CONFERENCE DESIGNEE.

WHEREAS, nose guard Dowe Aughtman of the Auburn University Tigers has been named to the Associated Press All-Southeastern Conference Team for 1982; and

WHEREAS, a resident of Brewton, Alabama, and the son of Mr. & Mrs. L. D. Aughtman, Dowe Aughtman is a 1979 graduate of T. R. Miller High School where he was a member of the Varsity Tiger football team; and

WHEREAS, his 1982 statistics showed an impressive 75 tackles, nine of which resulted in a total of 37 lost yards, and he is credited with causing 2 fumbles, with recovering 2 fumbles and with breaking-up two pass plays; in the Tennessee, Georgia and Mississippi State games, he made 10, 9 and 11 tackles respectively; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Auburn University's Dowe Aughtman; we heartily congratulate him as AP ALL-SEC and direct that he receive a copy of this resolution, tendered in warm praise and utmost regard.

Approved February 22, 1983

Time: 3:45 P.M.

Act No. 83-150

S.J.R. 34—Senators Bedsole and Figures

SENATE JOINT RESOLUTION

COMMENDING THE RENOWNED EXCELSIOR BAND OF MOBILE, ALABAMA.

WHEREAS, the Excelsior Band of Mobile Mardi Gras fame is now in its 100th musical year, celebrating the centennial of its founding on November 23, 1883; and

WHEREAS, organized on that day by John A. Pope, to commemorate the birth of his only son, John C. Pope, the Excelsior Band has performed during the past century for funeral processions, weddings, baseball games, ferry boat excursions on Mobile Bay and for other special and gala affairs; and

WHEREAS, the band's participation in Mardi Gras has become a tradition which was established in the days of dirt city streets and in the early days of the celebration's revival by America's first Mardi Gras City; and

WHEREAS, it is further to be noted that in honor of this signal event, the Mobile Mardi Gras Doubloon Collector's Club has issued a special medallion commemorating "A Century of Mardi Gras Music" by the Excelsior Band; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Excelsior Band of Mobile, Alabama, and direct that copies of this resolution be presented to band manager, Mr. James M. Seals, Jr., on behalf of each member of the band and in token of the warm praise and esteem of both the House and Senate of the Alabama Legislature.

Approved February 22, 1983

Time: 3:45 P.M.

Act No. 83-151

S. 24—Senator Smith (J)

AN ACT

Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of swine and swine products; to amend Section 2-8-49 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of swine shall not exceed \$.10 on market hogs and \$.05 on feeder pigs; to repeal Section 2-8-53, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2-8-49 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 2-8-49. If in any referendum held under the provisions of this article a majority or more of the swine producers eligible to participate and voting therein shall vote in the affirmative and in favor of the levying and collection of the assessment proposed in such referendum, then such assessment shall be levied and collected in the manner provided in this article. Following the referendum and within 10 days thereafter, the certified association shall canvass, tabulate and publicly declare and announce the results thereof. The amount of the assessment levied upon the sale of swine shall not exceed \$.10 on market hogs and \$.05 on feeder pigs.

Section 2. Section 2-8-53 is hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 22, 1983

Time: 3:50 P.M.

Act No. 83-152

S. 26—Senator Robertson

AN ACT

To provide for the criminal offense of theft of fish from fish farms and provides for penalties for violation.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) It shall be unlawful for any person to fish or take fish from any fish farm except with the consent of the owner thereof. Any person possessing fishing tackle on the premises of a fish farm shall be rebuttably presumed to be fishing.

(b) Any motor vehicle, or fishing tackle or other fishing equipment which has been or is used for illegal fishing shall be contraband, and, in the discretion of the circuit court may be forfeited to the county wherein the violation occurred, as hereinafter provided.

(c) The sheriff or any other person authorized to enforce the game and fish laws of this state who apprehends any person violating the provisions of this act, or who finds any vehicle which is being or has been used in such illegal fishing shall seize such vehicle and any fishing tackle and other fishing equipment found in the possession of or on the person of such person or in or on such vehicle and

shall report such seizure and the facts connected therewith to the district attorney or other prosecuting official in the judicial circuit. The report shall contain a full description of the vehicle or other equipment seized and detained, the name of the person in whose possession it was found, the name of the person making claim to the same, or any interest therein, if the name is known or can be ascertained, the date of the seizure and a statement of the circumstances surrounding the seizing of the property.

(d) The district attorney or other prosecuting officer of the judicial circuit upon receiving such report may at once institute, or cause to be instituted, condemnation proceedings in the circuit court, in the same manner that he is directed by law to institute proceedings for the condemnation and forfeiture of automobiles and other vehicles used in the illegal transportation of alcoholic beverages. Except as herein otherwise provided, the procedures for the condemnation, forfeiture and sale of motor vehicles and fishing equipment under this act used in the illegal fishing shall be governed in all things by and shall conform to the law relative to proceedings for the condemnation, forfeiture and sale of vehicles used in the illegal transportation of alcoholic beverages. Without limiting the generality of the foregoing sentence the provisions of sections 28-4-286 and 28-4-287, shall apply to and govern all such proceedings.

(e) The proceeds of the sale of any property condemned and forfeited to any county under authority of this section, after payment of all expenses in the cause, including the cost of seizure and a keeping of the property pending the proceedings, shall be paid into the state treasury to the credit of the county in which the violation occurred.

(f) Any lienholder with a perfected security interest recorded in accordance with the Uniform Commercial Code may recover the vehicle in kind or may recover the balance remaining after deduction of any costs of recovery and sale.

Section 2. Any person violating this act shall be deemed guilty of a misdemeanor and fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) and at the discretion of the court by imprisonment in the county jail for a period not to exceed one (1) year, or both fine and imprisonment, and for subsequent offenses fined not less than one thousand dollars (\$1,000.00) nor more than two thousand dollars (\$2,000.00) and a mandatory jail sentence for not less than thirty (30) days nor more than one (1) year.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declara-

tion shall not affect the part which remains.

Section 4. All laws or parts of laws in conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 22, 1983

Time: 3:50 P.M.

Act No. 83-153

S. 22—Senator Cooley

AN ACT

To amend Section 26-7A-1 of the Code of Alabama 1975, as amended, which provides for curators being appointed in the probate court so as to clarify that curators may be appointed in any probate court in the State of Alabama and to ratify previous curator appointments by any probate judge which otherwise would qualify under Chapter 7A of Title 26 of the Code of Alabama and in existence on the date of this Act.

Be It Enacted by the Legislature of Alabama.

Section 1. Section 26-7A-1, as amended, of the Code of Alabama 1975, is hereby amended to read as follows:

§ 26-7A-1. Probate court; grounds.

Any probate court may appoint a curator to take charge of, manage and conserve the property of any person permanently or temporarily residing in this state, who shall become physically incapacitated, or feeble-minded or epileptic or so mentally or physically defective by reason of age, sickness, use of drugs, the excessive use of alcohol or for other causes that he or she is unable to take care of his or her property, and in consequence thereof, is liable to dissipate or lose the same, or to become the victim of designing persons.

Section 2. All curators previously appointed by any probate judge which otherwise qualify under Chapter 7A of Title 26 of the Code of Alabama and in existence on the effective date of this Act are hereby ratified.

Section 3. The provisions of this Act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 22, 1983

Time: 3:50 P.M.

Act No. 83-154

H. 1—Rep. Manley

AN ACT

To provide for the reapportionment of the two houses of the Alabama legislature based upon the 1980 census.

Be It Enacted by the Legislature of Alabama:

Section 1. The House of Representatives of the Alabama Legislature shall consist of 105 members and each member shall reside in the district he represents. The State is hereby divided into 105 House Districts as follows:

HOUSE DISTRICT 1 SHALL CONSIST OF:

In Lauderdale County

Florence Division

Florence City

HOUSE DISTRICT 2 SHALL CONSIST OF:

In Colbert County

Cherokee Division

Littleville Division

Tri-Cities Division

Sheffield City

Tract 204

Tract 201

Block Group 3

Block Group 4

Block Group 5

Block Group 6

Block Group 7

Blocks 811-814, 817-836

Block Group 9

Tract 202

Block Group 3

Block Group 4

Block Group 5

Block Group 6

Tract 203

Tract 205

Tuscumbia City

Remainder of Tri-Cities

Tract 201

Tract 202

Tract 203

Tract 204

Tract 205

Tract 206

Tract 207

Block Group 2

Block Group 4

Block Group 9

Enumeration District 905

HOUSE DISTRICT 3 SHALL CONSIST OF:

In Colbert County

Leighton Division

Tri-Cities Division

Muscle Shoals City

Sheffield City

Tract 201

Block Group 1

Block Group 2

Block Group 8

Blocks 801-802, 804-807, 809, 810, 815, 816

Tract 202

Block Group 1

Block Group 2

Remainder of Tri-Cities Division

Tract 207

Block Group 1

In Lauderdale County

Cloverdale Division

Tract 114

Block Groups 1-2

Florence Division

St. Florian Town

Remainder of Florence Division

Tract 101

Tract 102

Tract 103

Tract 108

Tract 109

Tract 111

Tract 115

Block Groups 1-3

Block Groups 5-8

Killen Division

Remainder of Killen Division

Tract 116

Blocks 314-315

Block 317

Block 319

Oakland Division

Waterloo Division

HOUSE DISTRICT 4 SHALL CONSIST OF:

In Lauderdale County

Cloverdale Division

Tract 114

Block Group 9

Enumeration District 441
Enumeration District 442
Enumeration District 443
Florence Division
Remainder of Florence Division
Tract 115
Enumeration District 440
Killen Division
Killen Town
Remainder of Killen Division
Tract 116
Block Groups 1-2
Blocks 301-313
Blocks 320-331
Blocks 339-346
Enumeration District 437
Enumeration District 438
Enumeration District 439
Enumeration District 449
Lexington Division
Rogersville Division
In Limestone County
Athens Division
Remainder of Athens Division
Tract 202
Enumeration District 682
Tract 204
Enumeration District 683
Enumeration District 686
Tract 211
Enumeration District 692
Salem Division

HOUSE DISTRICT 5 SHALL CONSIST OF:

In Limestone County

Athens Division

Ardmore Town

Tract 201

Athens City

Elkmont Town

Tract 202

Remainder of Athens Division

Tract 201

Tract 202

Enumeration District 680T

Enumeration District 680U

Enumeration District 681

Tract 204

Enumeration District 684

Enumeration District 685

Tract 206

Tract 207

Tract 208

Tract 209

Tract 211

Enumeration District 691

Mooreville Division

HOUSE DISTRICT 6 SHALL CONSIST OF:

In Madison County

Huntsville Division

Huntsville City

Tract 6.01

Tract 13

Blocks 202-211

Tract 14

Tract 15
Block 209
Tract 22
Tract 23
Blocks 107-108
Blocks 210-211
Blocks 315-322
Block Group 4
Tract 24
Blocks 101-105
Blocks 115-117
Blocks 202-218
Tract 105
Tract 106
Blocks 907-909
Madison City
Tract 106
Block 910
Remainder of Huntsville Division
Tract 6.01
Block 214
Tract 14
Tract 105
Tract 106
Block 102
Blocks 106-148
Blocks 210-227
Block 905
Blocks 907-910
Madison Division
Madison City
Tract 110

Remainder of Madison Division

Tract 110

Madison Crossroads Division

Tract 104

Triana-Blackwall Division

HOUSE DISTRICT 7 SHALL CONSIST OF:

All of Lawrence County

In Morgan County

Danville Division

Decatur Division

Remainder of Decatur Division

Tract 51

Enumeration District 270

HOUSE DISTRICT 8 SHALL CONSIST OF:

In Morgan County

Decatur Division

Decatur City

Tract 1

Tract 3

Block 212

Block Groups 3-4

Tract 4

Tract 5

Tract 6

Tract 7

Tract 8

Tract 9

Tract 10

Tract 51

Remainder of Decatur Division

Tract 1

Tract 5

HOUSE DISTRICT 9 SHALL CONSIST OF:

In Morgan County

Decatur Division

Decatur City

Tract 2

Tract 3

Block Group 1

Blocks 201-211

Blocks 213-214

Flint City Town

Tract 51

Trinity Town

Tract 51

Remainder of Decatur Division

Tract 2

Tract 6

Tract 7

Tract 10

Tract 51

Block Groups 1-9

Falkville Division

Remainder of Falkville Division

Tract 55

Enumeration District 263

Enumeration District 265

Hartselle Division

Laceys Spring Division

Tract 57

Enumeration District 251

Somerville Division

HOUSE DISTRICT 10 SHALL CONSIST OF:

In Madison County

Arsenal Division

Huntsville City

Tract 111

Remainder of Arsenal Division

Tract 111

Huntsville Division

Huntsville City

Tract 19.03

Blocks 109-114

Tract 24

Blocks 106-114

Block 201

Tract 25.02

Tract 26

Blocks 211-214

Blocks 219-221

Block 223

Block Group 3

Tract 27.01

Tract 28.01

Tract 28.02

Tract 29.01

Tract 29.02

Remainder of Huntsville Division

Tract 28.02

Tract 29.01

Block 122

Tract 29.02

New Hope Division

Huntsville City

Tract 113

Owens Crossroads Town

Tract 113

Remainder of New Hope Division

Tract 113

HOUSE DISTRICT 11 SHALL CONSIST OF:

In Cullman County

Baileyton-Joppa Division

Cullman Division

Remainder of Cullman Division

Tract 9999.99

Enumeration District 127A

Holly Pond Division

Simcoe Division

Vinemont Division

Walti Division

In Morgan County

Eva Division

Falkville Division

Falkville Town

Remainder of Falkville Division

Tract 55

Block Groups 1-2

Enumeration District 264

Laceys Spring Division

Tract 57

Block Group 1

Enumeration District 250

Enumeration District 252

Enumeration District 253

HOUSE DISTRICT 12 SHALL CONSIST OF:

In Cullman County

Bremen Division

Crane Hill Division

Cullman Division

Cullman City

Good Hope Town

West Point Town

Remainder of Cullman Division

Tract 9999.99

Enumeration District 124A

Enumeration District 125

Enumeration District 126A

Enumeration District 128

Enumeration District 129

Enumeration District 130

Enumeration District 131

Hanceville Division

Jones Chapel Division

Logan Division

HOUSE DISTRICT 13 SHALL CONSIST OF:

In Walker County

Dora Division

Empire Division

Jasper Division

Sipsey Division

HOUSE DISTRICT 14 SHALL CONSIST OF:

In Tuscaloosa County

Samantha Division

Tuscaloosa Division

Tuscaloosa City

Tract 102

Block 252

Remainder of Tuscaloosa Division

Tract 102

Blocks 125-126

Block 142

Blocks 201-203

Blocks 209-210

Blocks 216-217

Enumeration District 685A

Windham Springs Division

In Walker County

Carbon Hill Division

Cordova Division

Flat Creek-Wegra Division

Manchester Division

Nauvoo Division

Oakman Division

Parrish Division

Townley Division

HOUSE DISTRICT 15 SHALL CONSIST OF:

All of Pickens County

In Tuscaloosa County

Coker Division

Northport City

Tract 103

Blocks 114-115

Blocks 129-131

Blocks 136-148

Block Group 2

Block Group 9

Tuscaloosa City

Tract 103

Block Group 9

Remainder of Coker Division

Tract 103

Blocks 101-104

Blocks 106-115
Blocks 130-131
Blocks 139-140
Block 142
Block 148
Block 155
Block 167
Block Group 2
Block Group 9
Enumeration District 656
Enumeration District 657
Elrod-Moores Bridge-Echola Division
Tuscaloosa Division
Northport City
Tract 102
Blocks 101-121
Blocks 123-125
Blocks 127-128
Block Group 2
Blocks 905-906
Blocks 909-910
Tract 104.01
Block Groups 3-5
Remainder of Tuscaloosa Division
Tract 102
Block 124
Blocks 127-128
Blocks 140-141
Blocks 204-208
Blocks 212-215
Blocks 904-906
Blocks 909-910

Enumeration District 659

Tract 104.01

Block Group 3

Block Group 5

HOUSE DISTRICT 16 SHALL CONSIST OF:

All of Fayette County

All of Lamar County

In Marion County

Guin Division

HOUSE DISTRICT 17 SHALL CONSIST OF:

In Marion County

Bear Creek Division

Remainder of Bear Creek Division

Tract 9999.99

Enumeration District 4020

Bexar Division

Tract 9999.99

Enumeration District 407

Brilliant Division

Hamilton Division

Hamilton City

Remainder of Hamilton Division

Tract 9999.99

Enumeration District 414A

Enumeration District 415A

Enumeration District 415D

Winfield Division

All of Winston County

HOUSE DISTRICT 18 SHALL CONSIST OF:

All of Franklin County

In Marion County

Bear Creek Division

Bear Creek Town

Tract 9999.99

Enumeration District 400

Remainder of Bear Creek Division

Tract 9999.99

Enumeration District 401T

Enumeration District 401U

Enumeration District 402T

Bexar Division

Tract 9999.99

Enumeration District 406

Hackleburg Division

Hamilton Division

Weston Town

Remainder of Hamilton Division

Tract 9999.99

Enumeration District 409B

Enumeration District 409C

Enumeration District 413A

HOUSE DISTRICT 19 SHALL CONSIST OF:

In Madison County

Huntsville Division

Huntsville City

Tract 1

Blocks 122-123

Block 221

Block 225

Block Group 3

Tract 2.01

Block Group 1

Block 901

Block 908

Tract 2.02
Block Group 9
Tract 3.01
Blocks 101-110
Blocks 217-218
Blocks 317-321
Tract 3.02
Block Group 1
Tract 4.01
Tract 4.02
Tract 5.02
Tract 5.03
Tract 6.02
Tract 12
Tract 13
Block Group 1
Block 201
Blocks 212-220
Tract 15
Block Group 1
Blocks 201-208
Block 212
Blocks 214-223
Block 225
Tract 16
Blocks 202-205
Blocks 209-210
Block Group 3
Tract 21
Blocks 101-104
Tract 106
Block 901

Remainder of Huntsville Division

Tract 4.01

Tract 5.01

Tract 5.02

Tract 5.03

Tract 106

Block 101

Blocks 103-105

Blocks 149-150

Blocks 201-209

Blocks 901-904

Blocks 986-989

HOUSE DISTRICT 20 SHALL CONSIST OF:

In Madison County

Huntsville Division

Huntsville City

Tract 1

Blocks 101-112

Blocks 114-121

Blocks 201-205

Blocks 207

Blocks 209-220

Blocks 222-223

Block Groups 4-5

Tract 9.02

Block 123

Tract 10

Blocks 309-324

Blocks 401-402

Tract 16

Block Group 1

Block 201

Blocks 206-207

Tract 17

Tract 18.01

Tract 18.02

Tract 19.01

Tract 19.02

Tract 19.03

Blocks 102-108

Block 117

Tract 20

Tract 21

Blocks 105-123

Blocks 125-127

Block Groups 2-5

Tract 23

Blocks 101-106

Blocks 109-118

Blocks 201-209

Blocks 212-220

Blocks 301-314

Tract 25.01

Tract 26

Block Group 1

Blocks 201-210

Block 222

Tract 27.02

Remainder of Huntsville Division

Tract 19.01

Tract 19.02

Block 904

Tract 27.02

Block 906

Block 918

HOUSE DISTRICT 21 SHALL CONSIST OF:

In Madison County

Huntsville Division

Huntsville City

Tract 2.01

Blocks 902-904

Tract 2.02

Block Groups 1-2

Tract 3.01

Blocks 111-120

Blocks 201-216

Blocks 219-220

Blocks 301-309

Blocks 311-316

Tract 3.02

Block Group 2

Tract 5.01

Tract 7.01

Tract 7.02

Tract 8

Tract 9.01

Tract 9.02

Blocks 101-122

Tract 10

Block Groups 1-2

Blocks 301-308

Blocks 417-423

Block Groups 5-6

Tract 11

Tract 107

Tract 108

Block Group 9

Remainder of Huntsville Division

Tract 2.01

Tract 9.01

Tract 107

Tract 108

Blocks 101-102

Blocks 107-116

Block Group 9

HOUSE DISTRICT 22 SHALL CONSIST OF:

In Jackson County

Paint Rock Division

Princeton Division

Scottsboro Division

Scottsboro City

Tract 9902

Block Group 1

Blocks 201-202

Blocks 204-207

Blocks 209-251

Block Groups 3-4

Remainder of Scottsboro Division

Tract 9999.99

Enumeration District 196

Enumeration District 197

In Madison County

Gurley Division

Hazel Green Division

Tract 103

Huntsville Division

Huntsville City

Tract 108

Block 157

Block 177

Remainder of Huntsville Division

Tract 108

Blocks 103-106

Blocks 117-178

New Hope Division

New Hope Town

Tract 114

Enumeration District 544

Remainder of New Hope Division

Tract 114

Enumeration District 546

New Market Division

Tract 101

Tract 102

HOUSE DISTRICT 23 SHALL CONSIST OF:

In Jackson County

Bridgeport Division

Bridgeport City

Tract 9999.99

Enumeration District 179

Enumeration District 180

Remainder of Bridgeport Division

Tract 9999.99

Enumeration District 181

Long Island Division

Pisgah Division

Scottsboro Division

Hollywood Town

Tract 9999.99

Enumeration District 195

Scottsboro City

Tract 9901

Tract 9902

Block 203

Block 208

Remainder of Scottsboro Division

Tract 9999.99

Enumeration District 198

Section Division

Stevenson Division

HOUSE DISTRICT 24 SHALL CONSIST OF:

In Dekalb County

Fort Payne Division

Fort Payne City

Remainder of Fort Payne Division

Tract 9999.99

Enumeration District 436

Enumeration District 437A

Enumeration District 438

Fyffe Division

Fyffe Town

Shiloh Town

Remainder of Fyffe Division

Tract 9999.99

Enumeration District 432B

Enumeration District 423C

Enumeration District 423D

Enumeration District 423E

Enumeration District 423F

Enumeration District 423G

Enumeration District 423H

Enumeration District 424A

Henagar Division

Ider Division

Rainsville-Sylvania Division

Valley Head-Mentone Division

HOUSE DISTRICT 25 SHALL CONSIST OF:

In Marshall County

Arab Division

Douglas Division

Remainder of Douglas Division

Tract 310

Enumeration District 824

Grant Division

Guntersville Division

Town Creek Division

Union Grove Division

HOUSE DISTRICT 26 SHALL CONSIST OF:

In Dekalb County

Crossville Division

Crossville Town

Tract 9999.99

Enumeration District 431

Remainder of Crossville Division

Tract 9999.99

Enumeration District 432

Fyffe Division

Lakeview Town

Remainder of Fyffe Division

Tract 9999.99

Enumeration District 425A

Geraldine Division

In Marshall County

Albertville-Boaz Division

Douglas Division

Douglas Town

Tract 310

Enumeration District 823B

Remainder of Douglas Division

Tract 310

Enumeration District 822

Enumeration District 823A

HOUSE DISTRICT 27 SHALL CONSIST OF:

All of Blount County

HOUSE DISTRICT 28 SHALL CONSIST OF:

In Etowah County

Altoona Division

Gadsden Division

Attalla City

Tract 101

Tract 102

Gadsden City

Tract 6

Block Groups 2-4

Tract 9

Block Groups 3-7

Tract 11

Tract 13

Tract 14

Tract 15

Tract 16

Tract 17

Tract 102

Tract 103

Tract 104

Reece City Town

Tract 101

Remainder of Gadsden Division

Tract 3

Tract 6

Tract 9

Tract 11

Tract 12

Tract 13

Tract 14

Tract 16

Tract 17

Tract 101

Tract 102

Tract 103

Block Group 9

Enumeration District 527

Enumeration District 528

Tract 104

Enumeration District 529

HOUSE DISTRICT 29 SHALL CONSIST OF:

In Etowah County

Gadsden Division

Attalla City

Tract 104

Gadsden City

Tract 1

Tract 2

Tract 3

Tract 4

Blocks 626-630

Tract 5

Tract 6

Block Group 1

Tract 7

Tract 8

Tract 9

Block Groups 1-2

Tract 10

Tract 12

Reece City Town

Tract 4

Tract 103

Ridgeville Town

Tract 103

Remainder of Gadsden Division

Tract 2

Tract 4

Block 627

Tract 103

Block Groups 1-2

Enumeration District 525

Enumeration District 526

Lookout Mountain Division

Remainder of Lookout Mountain Division

Tract 108

Enumeration District 502

Enumeration District 503

Mountainboro Division

Boaz City

Tract 110

Mountainboro Town

Tract 110

Sardis City

Tract 110

Remainder of Mountainboro Division

Tract 110

Wills Valley Division

HOUSE DISTRICT 30 SHALL CONSIST OF:

In Etowah County

Gadsden Division

Gadsden City

Tract 4

Block Groups 1-5

Blocks 602-603

Blocks 606-608

Blocks 614-616

Blocks 618-624

Glencoe City

Tract 105

Rainbow City City

Tract 11

Tract 104

Southside Town

Tract 105

Remainder of Gadsden Division

Tract 4

Block Groups 1-3

Tract 104

Block Groups 1-2

Block Group 4

Block Groups 8-9

Tract 105

Hokes Bluff Division

Lookout Mountain Division

Gadsden City

Remainder of Lookout Mountain Division

Tract 108

Block Group 1

Enumeration District 504

Turkeytown Division

Gadsden City

Tract 107

Remainder of Turkeytown Division

Tract 107

In St. Clair County

Ashville Division

Steele Town

Remainder of Ashville Division

HOUSE DISTRICT 31 SHALL CONSIST OF:

In Coosa County

Goodwater-Kellyton Division

Rockford Division

Weogufka-Marble Valley Division

Tract 9999.99

Enumeration District 797

Enumeration District 790

Enumeration District 80

In Elmore County

Deatsville Division

Eclectic Division

Tallassee Division

Tallassee City

Remainder of Tallassee Division

Tract 107

Enumeration District 957

Titus Division

Wetumpka Division

Wetumpka City

Remainder of Wetumpka Division

Tract 105

Enumeration District 963

Enumeration District 964

HOUSE DISTRICT 32 SHALL CONSIST OF:

In Talladega County

Lincoln-Eastaboga Division

Munford Division

Renfroe-Lanier Division

Remainder of Renfroe-Lanier Division

Tract 112

Enumeration District 668

Talladega Division

HOUSE DISTRICT 33 SHALL CONSIST OF:

In Talladega County

Childersburg Division

Renfroe-Lanier Division

Vincent Town

Remainder of Renfroe-Lanier Division

Tract 112

Enumeration District 669

Sycamore-Winterboro Division

Sylacauga Division

HOUSE DISTRICT 34 SHALL CONSIST OF:

In Calhoun County

Anniston Division

Weaver Town

Tract 18

Blocks 202-218

Block Group 3

Block Groups 6-7

Remainder of Anniston Division

Tract 18

Block Group 1

Blocks 201-204

Blocks 206-207

Block 218

Block Groups 3-6

Choccolocco Division

Tract 20

Block Group 1

Block Group 9

Enumeration District 298

Enumeration District 299

Enumeration District 300

Enumeration District 301

Enumeration District 302

Enumeration District 303

Jacksonville Division

Jacksonville City

Tract 21

Remainder of Jacksonville Division

Tract 21

Tract 24

Blocks 101-123

Enumeration District 282

Enumeration District 283

Piedmont Division

Piedmont City

Tract 22

Tract 23

Remainder of Piedmont Division

Tract 22

Enumeration District 280A

Tract 23

Websters Chapel-Alexandria Valley Division

Glencoe City

Tract 25

Remainder of Websters Chapel-Alexandria Valley Division

Tract 25

HOUSE DISTRICT 35 SHALL CONSIST OF:

In Calhoun County

Anniston Division

Blue Mountain Town

Tract 4

Tract 16

Oxford City

Tract 10

Tract 11

Block 201

Blocks 203-212

Blocks 301-313

Block Groups 4-7

Tract 12

Remainder of Anniston Division

Tract 1

Tract 4

Block Groups 2-3

Blocks 504-505

Blocks 538-540

Tract 5

Tract 6

Tract 11

Block Groups 1-7

Enumeration District 297

Tract 12

Tract 13

Tract 14

Blocks 201-250

Blocks 301-312

Blocks 314-315

Block Groups 4-5

Tract 15

Tract 16

Tract 17

Chatchee Division

Chatchee Town

Tract 26

Southside Town

Tract 26

Remainder of Chatchee Division

Tract 26

HOUSE DISTRICT 36 SHALL CONSIST OF:

In Calhoun County

Anniston Division

Anniston City

Tract 1

Block Groups 1-3

Tract 2

Tract 3

Tract 4

Tract 5

Tract 6

Tract 7

Tract 8

Tract 9

Tract 10

Tract 11

Tract 12

Tract 17

Hobson City Town

Tract 12

Weaver Town

Tract 17

Remainder of Anniston Division

Tract 2

Tract 4

Block Group 4

Block 550

Block Group 6

Tract 10

Tract 14

Blocks 101-113

Tract 19

Blocks 901-902

Choccolocco Division

Tract 20

Block Groups 2-3

HOUSE DISTRICT 37 SHALL CONSIST OF:

In Chambers County

Five Points Division

All of Clay County

All of Randolph County

HOUSE DISTRICT 38 SHALL CONSIST OF:

In Chambers County

Lafayette Division

Lanett Division

Langdale Division

Milltown Division

Waverly Division

HOUSE DISTRICT 39 SHALL CONSIST OF:

All of Cherokee County
 All of Cleburne County
 In Dekalb County
 Collinsville Division
 Crossville Division
 Remainder of Crossville Division
 Tract 9999.99
 Enumeration District 433
 Fyffe Division
 Remainder of Fyffe Division
 Tract 9999.99
 Enumeration District 426

HOUSE DISTRICT 40 SHALL CONSIST OF:

In Bibb County
 Piper-Coleanor Division
 West Blocton Division
 West Blocton Town
 Remainder of West Blocton Division
 Tract 9999.99
 Enumeration District 127
 Enumeration District 128
 In Shelby County
 Alabaster-Helena Division
 Alabaster City
 Helena Town
 Pelham City
 Remainder of Alabaster-Helena Division
 Tract 303.01
 Blocks 119-123
 Blocks 126-127
 Blocks 129-134

Blocks 144-148

Block 150

Block Groups 2-3

Tract 303.02

Tract 306.01

Tract 306.02

Block Group 1

Montevallo Division

Remainder of Montevallo Division

Tract 304.01

Enumeration District 19

Tract 304.02

Enumeration District 21

HOUSE DISTRICT 41 SHALL CONSIST OF:

In Shelby County

Alabaster-Helena Division

Remainder of Alabaster-Helena Division

Tract 303.01

Blocks 101-118

Block 125

Blocks 135-143

Blocks 160-161

Enumeration District 9

Enumeration District 10

Tract 306.02

Enumeration District 14

Calera Division

Chelsea Division

Columbiana Division

Montevallo Division

Montevallo City

Wilton Town

Remainder of Montevallo Division

Tract 304.01

Block Group 1

Tract 304.02

Enumeration District 20

Vincent Division

Wilsonville Division

HOUSE DISTRICT 42 SHALL CONSIST OF:

In St. Clair County

Ashville Division

Ashville Town

Moody Division

Pell City Division

Ragland Division

Springville Division

HOUSE DISTRICT 43 SHALL CONSIST OF:

In Jefferson County

Birmingham Division

Birmingham City

Tract 119.01

Tract 120.02

Block Group 6

Block Group 8

Fultondale City

Tract 119.01

Tract 120.02

Block Group 1

Block 201

Block 203

Blocks 209-223

Blocks 225-228

Blocks 230-233

Block Groups 3-4

Block 808

Blocks 849-850

Blocks 932-934

Blocks 939-947

Block 949

Block 951

Block 955

Block 967

Blocks 969-971

Gardendale City

Tract 119.01

Tarrant City City

Tract 119.01

Remainder of Birmingham Division

Tract 112.05

Block 107

Blocks 111-112

Block 130

Block 135

Block 150

Blocks 152-157

Block 165

Tract 119.01

Tract 120.02

Block Group 1

Block Group 3

Block Group 6

Blocks 846-847

Clay Division

Tract 111.03

Gardendale Division

Fultondale City

Tract 117.03

Tract 117.05

Tract 117.06

Gardendale City

Tract 117.03

Tract 117.04

Blocks 104-113

Tract 117.05

Tract 117.06

Morris Town

Tract 117.05

Remainder of Gardendale Division

Tract 117.03

Tract 117.05

Tract 117.06

Kimberly-Morris Division

County Line Town

Tract 113

Kimberly Town

Tract 113

Morris Town

Tract 113

Trafford Town

Tract 113

Remainder of Kimberly-Morris Division

Tract 113

Palmerdale Division

Tract 112.06

HOUSE DISTRICT 44 SHALL CONSIST OF:

In Jefferson County

Birmingham Division

Birmingham City
Tract 111.04
Tract 112.03
Tract 112.04
Tract 118.01
Blocks 142-143
Blocks 163-164
Blocks 168-169
Block Groups 6-7
Trussville City
Tract 111.04
Remainder of Birmingham Division
Tract 111.04
Tract 112.03
Tract 112.04
Tract 112.05
Block 106
Blocks 114-115
Blocks 118-121
Blocks 126-128
Blocks 138-140
Block 151
Block 196
Tract 118.01
Block 143
Block 168
Block Groups 6-8
Tract 118.02
Trussville Division
Trussville City
Tract 111.05
Block Group 1

Blocks 204-205

Blocks 207-236

Block 238

Blocks 240-249

Block 303

Remainder of Trussville Division

Tract 111.05

Block Group 1

Blocks 201-203

Blocks 210-212

Block 246

Block 303

HOUSE DISTRICT 45 SHALL CONSIST OF:

In Jefferson County

Birmingham Division

Birmingham City

Tract 1

Tract 20

Tract 21

Tract 22

Block Group 3

Tract 53.02

Tract 59.03

Tract 59.04

Tract 59.05

Tract 59.06

Tract 118.01

Block 141

Blocks 165-166

Block Group 5

Remainder of Birmingham Division

Tract 20

Tract 21

Tract 53.02

Tract 59.03

Tract 59.04

Tract 59.05

Tract 59.06

Tract 118.01

Block Group 5

HOUSE DISTRICT 46 SHALL CONSIST OF:

In Jefferson County

Birmingham Division

Birmingham City

Tract 108.03

Block Group 5

Homewood City

Tract 108.02

Block 402

Block 410

Irondale City

Tract 108.03

Block Group 5

Tract 108.05

Mountain Brook City

Tract 108.02

Block 402

Blocks 409-411

Blocks 418-429

Blocks 431-432

Blocks 435-445

Blocks 447-448

Blocks 450-453

Blocks 455-456

Blocks 461-463

Block 470

Tract 108.03

Block Group 5

Tract 108.04

Tract 108.05

Tract 128.01

Tract 129.02

Block Groups 1-2

Tract 129.03

Vestavia Hills City

Tract 129.02

Block Group 1

Tract 129.03

Remainder of Birmingham Division

Tract 108.02

Blocks 410-411

Tract 108.03

Block Group 5

Tract 108.04

Tract 108.05

Tract 128.01

Tract 129.02

Block Groups 1-2

Tract 129.03

Leeds Division

Leeds City

Tract 110

Blocks 226-228

Block 230

Blocks 233-235

Blocks 238-245

Blocks 251-252

Block Groups 3-5

Tract 127.02

Mountain Brook City

Tract 128.02

Remainder of Leeds Division

Tract 110

Block 228

Block 234

Block Group 3

Block Group 5

Tract 127.02

Tract 128.02

HOUSE DISTRICT 47 SHALL CONSIST OF:

In Jefferson County

Birmingham Division

Birmingham City

Tract 23.05

Tract 23.06

Tract 47.02

Tract 56

Tract 108.03

Block Group 1

Tract 126.01

Irondale City

Tract 56

Tract 108.03

Block Group 1

Tract 126.02

Tract 127.01

Mountain Brook City

Tract 56

Tract 108.01

Remainder of Birmingham Division

Tract 126.01

Tract 126.02

Tract 127.01

Leeds Division

Leeds City

Tract 110

Block Group 1

Blocks 201-225

Block 237

Blocks 246-250

Blocks 256-257

Remainder of Leeds Division

Tract 110

Block Group 1

Trussville Division

Trussville City

Tract 111.05

Block 237

Block 239

Block 250

Block 301-302

Blocks 304-307

Remainder of Trussville Division

Tract 111.05

Block 205

Block 241

Block 244

Blocks 248-250

Block 304

Blocks 307-322

Blocks 324-343

Block 346

Block 350

Block Group 9

HOUSE DISTRICT 48 SHALL CONSIST OF:

In Jefferson County

Birmingham Division

Hoover City

Tract 129.02

Block Group 4

Tract 129.04

Vestavia Hills City

Tract 129.01

Block Groups 2-3

Tract 129.02

Block Group 4

Remainder of Birmingham Division

Tract 129.01

Block Groups 2-3

Tract 129.02

Block Group 4

Tract 129.04

Hoover Division

Hoover City

Tract 144.01

Block Group 3

Tract 144.02

Vestavia Hills City

Tract 144.01

Block Groups 2-3

Tract 144.02

Remainder of Hoover Division

Tract 144.01

Block Groups 2-3

Tract 144.02

HOUSE DISTRICT 49 SHALL CONSIST OF:

In Jefferson County

Birmingham Division

Birmingham City

Tract 34

Tract 35

Tract 36

Block Groups 1-6

Tract 37

Block Group 4

Block Group 6

Tract 123.01

Block Group 9

Tract 135

Brighton City

Tract 134

Fairfield City

Tract 106.03

Tract 134

Hueytown City

Tract 100.01

Midfield City

Tract 134

Pleasant Grove City

Tract 123.01

Block Group 3

Blocks 401-415

Block 422

Block Groups 5-6

Block Group 9

Remainder of Birmingham Division

Tract 35

Tract 100.01

Tract 123-01

Block 502

Block 508

Blocks 513-514

Blocks 549-550

Block Group 9

Tract 135

Maytown-Sylvan Springs Division

Birmingham City

Tract 123.02

Block Group 1

Block Group 9

Maytown Town

Tract 123.02

Block Group 1

Block Group 5

Block 925

Pleasant Grove City

Tract 123.02

Block Group 1

Sylvan Springs Town

Tract 123.02

Block Group 1

Remainder of Maytown-Sylvan Springs Division

Tract 123.02

Block Group 1

Block Group 8

HOUSE DISTRICT 50 SHALL CONSIST OF:**In Jefferson County****Birmingham Division****Bessemer City****Tract 100.02****Tract 104.02****Tract 138.01****Block Group 7****Tract 141.03****Tract 141.05****Tract 143.01****Block Group 4****Hueytown City****Tract 100.02****Tract 139.02****Remainder of Birmingham Division****Tract 100.02****Tract 104.02****Tract 138.01****Block Group 7****Tract 139.02****Tract 141.03****Tract 141.05****Tract 143.01****Block Group 4****Block 601****Concord-Hopkins Division****Hueytown City****Tract 140****Remainder of Concord-Hopkins Division****Tract 140****Block Groups 1-2**

Block Group 9
Graysville-Adamsville Division
Adamsville City
Tract 124.03
Maytown Town
Tract 124.03
Remainder of Graysville-Adamsville Division
Tract 124.03
Greenwood Division
Remainder of Greenwood Division
Tract 142.02
Tract 142.03
Blocks 101-131
Block Group 9
Enumeration District 126
Maytown-Sylvan Springs Division
Remainder of Maytown-Sylvan Springs Division
Tract 123.02
Enumeration District 115
Enumeration District 116
Enumeration District 117
Enumeration District 118
North Johns Division
North Johns Town
Tract 141.02
Remainder of North Johns Division
Tract 141.02
West Jefferson Division
West Jefferson Town
Tract 122
Remainder of West Jefferson Division
Tract 122

HOUSE DISTRICT 51 SHALL CONSIST OF:

In Jefferson County

Birmingham Division

Birmingham City

Tract 124.02

Block Group 1

Block 216

Block 221

Block Group 4

Block Group 9

Tract 125

Brookside Town

Tract 120.01

Block Group 7

Maytown Town

Tract 125

Mulga Town

Tract 125

Remainder of Birmingham Division

Tract 120.01

Block Group 7

Tract 124.02

Block 216

Blocks 221-222

Blocks 401-404

Blocks 410-415

Blocks 417-420

Blocks 422-426

Block Group 5

Block Group 9

Tract 125

Brookside Division

Brookside Town
 Tract 116
 Cardiff Town
 Tract 116
 Remainder of Brookside Division
 Tract 116
 Gardendale Division
 Kimberly Town
 Tract 117.04
 Block 117
 Morris Town
 Tract 117.04
 Block 118
 Remainder of Gardendale Division
 Tract 117.04
 Blocks 101-104
 Block 106
 Block 108
 Blocks 117-120
 Enumeration District 102
 Graysville-Adamsville Division
 Adamsville City
 Tract 121.03
 Tract 121.04
 Graysville City
 Tract 121.03
 Tract 121.04
 Remainder of Graysville-Adamsville Division
 Tract 121.03
 Tract 121.04
 Robbins Crossroads Division
 Sumiton Town

Tract 115

Remainder of Robbins Crossroads Division

Tract 115

Warrior Division

Trafford Town

Tract 114

Warrior City

Tract 114

Remainder of Warrior Division

Tract 114

HOUSE DISTRICT 52 SHALL CONSIST OF:

In Jefferson County

Birmingham Division

Birmingham City

Tract 37

Block Groups 2-3

Tract 38.02

Block Groups 4-5

Blocks 608-616

Blocks 620-623

Blocks 625-626

Tract 38.03

Tract 39

Block Group 1

Block Group 3

Tract 40

Blocks 108-118

Blocks 122-123

Block Groups 2-8

Tract 52

Tract 57.02

Tract 130.01

Tract 130.02
 Remainder of Birmingham Division
 Tract 130.01
 Tract 130.02
 HOUSE DISTRICT 53 SHALL CONSIST OF:
 In Jefferson County
 Birmingham Division
 Birmingham City
 Tract 28.01
 Tract 28.02
 Tract 29
 Tract 30.02
 Tract 40
 Block 104
 Block 106
 Blocks 120-121
 Tract 41
 Tract 42
 Tract 44
 Tract 49
 Blocks 116-119
 Block 205
 Blocks 402-413
 Block Group 7
 Blocks 801-820
 Tract 50
 Tract 51.01
 Tract 51.02
 Tract 58
 Blocks 908-911
 Homewood City
 Tract 50

Tract 51.02

Tract 58

Block 916

Remainder of Birminaham Division

Tract 50

Tract 51.02

HOUSE DISTRICT 54 SHALL CONSIST OF:

In Jefferson County

Birmingham Division

Birmingham City

Tract 6

Tract 7

Blocks 206-209

Blocks 214-217

Blocks 219-224

Block Group 3

Tract 14

Tract 15

Tract 16

Tract 17

Tract 25

Tract 26.01

Tract 26.02

Tract 27

Tract 45

Tract 46

Tract 47.01

Tract 47.03

Tract 48

Block 108

Blocks 112-113

Blocks 125-128

Tract 49

Blocks 105-115

Block 127

Block 401

HOUSE DISTRICT 55 SHALL CONSIST OF:

In Jefferson County

Birmingham Division

Birmingham City

Tract 48

Blocks 101-104

Block 107

Block 109

Block Groups 2-3

Tract 49

Blocks 207-210

Block 232

Blocks 235-236

Block Group 3

Tract 58

Block 907

Block 912

Homewood City

Tract 58

Block 913

Block 925

Tract 107.01

Tract 107.02

Tract 107.03

Tract 107.04

Tract 107.05

Tract 107.06

Tract 129.01

Block Group 2

Tract 129.02

Block Groups 1-2

Mountain Brook City

Tract 107.03

Remainder of Birmingham Division

Tract 49

Block Group 3

Tract 107.03

Tract 107.04

Tract 107.05

Tract 107.06

Greenwood Division

Bessemer City

Tract 142.04

Remainder of Greenwood Division

Tract 142.04

Hoover Division

Bessemer City

Tract 143.02

Block Group 2

Birmingham City

Tract 143.02

Block Group 1

Homewood City

Tract 144.01

Block 106

Block 140

Blocks 142-146

Hoover City

Tract 144.03

Lipscomb City

Tract 143.02
 Block Group 3
 Vestavia Hills City
 Tract 144.03
 Remainder of Hoover Division

Tract 143.02
 Block Group 1
 Block Group 3
 Blocks 903-905
 Tract 144.01
 Block 106
 Blocks 109-114
 Block 119
 Blocks 124-125
 Blocks 140-143
 Blocks 145-146

Tract 144.03
 HOUSE DISTRICT 56 SHALL CONSIST OF:

In Jefferson County
 Birmingham Division
 Bessemer City

Tract 101
 Tract 102
 Tract 103.01
 Block Groups 5-7
 Tract 103.02
 Tract 104.01
 Tract 138.01
 Block Groups 2-3
 Block Group 6
 Tract 138.02
 Tract 141.04

Tract 143.01
Block Group 3
Blocks 603-606
Blocks 609-612
Block 620
Brighton City
Tract 101
Hueytown City
Tract 123.01
Block Group 7
Tract 139.01
Lipscomb City
Tract 103.02
Midfield City
Tract 136.02
Remainder of Birmingham Division
Tract 101
Tract 102
Tract 103.01
Block Groups 5-6
Tract 103.02
Tract 104.01
Tract 123.01
Block Group 7
Tract 136.02
Tract 138.01
Block Groups 2-6
Tract 138.02
Tract 139.01
Tract 141.04
Tract 143.01
Block Group 3

Blocks 602-604

Block 612

Block 620

Hoover Division

Remainder of Hoover Division

Tract 143.02

Block 901

Blocks 909-910

HOUSE DISTRICT 57 SHALL CONSIST OF:

In Jefferson County

Birmingham Division

Bessemer City

Tract 133

Tract 137

Birmingham City

Tract 36

Block Group 7

Tract 38.01

Tract 38.02

Block 624

Block 627

Blocks 630-631

Block Group 8

Tract 57.01

Tract 131

Brighton City

Tract 133

Tract 136.01

Tract 137

Block Groups 1-2

Blocks 303-310

Block 312

Blocks 315-316

Blocks 318-319

Blocks 321-322

Blocks 324-325

Block 327

Blocks 330-338

Block 340

Brownville City

Tract 105

Tract 131

Tract 133

Fairfield City

Tract 106.01

Tract 106.02

Tract 132

Lipscomb City

Tract 105

Tract 133

Midfield City

Tract 106.02

Tract 132

Tract 133

Tract 136.01

Tract 137

Roosevelt City City

Tract 133

Tract 137

Remainder of Birmingham Division

Tract 57.01

Tract 105

Tract 106.01

Tract 131

Tract 132

Tract 133

Tract 136.01

Tract 137

Block Groups 1-2

Block 303

Block Group 4

HOUSE DISTRICT 58 SHALL CONSIST OF:

In Jefferson County

Birmingham Division

Birmingham City

Tract 2

Tract 3

Tract 5

Blocks 301-303

Block 315

Block 321

Blocks 401-404

Blocks 406-414

Block 416

Block 418

Tract 18.01

Tract 18.02

Tract 19.01

Tract 19.02

Tract 22

Block Groups 1-2

Block Group 4

Tract 23.03

Tract 23.04

Tract 24

Tract 53.01

Tract 119.02

Tract 119.03

Irondale City

Tract 22

Tarrant City City

Tract 109

Block Groups 1-7

Tract 119.02

Tract 119.03

Remainder of Birmingham Division

Tract 22

Tract 119.02

HOUSE DISTRICT 59 SHALL CONSIST OF:

In Jefferson County

Birmingham Division

Birmingham City

Tract 4

Tract 5

Block Groups 1-2

Block 304

Blocks 307-309

Block 311

Blocks 317-320

Block Groups 5-6

Tract 7

Block Group 1

Block Groups 4-7

Tract 8

Tract 9

Tract 10

Blocks 411-413

Block 423

Tract 54

Tract 55

Tract 120-01

Block Group 9

Tract 120.02

Block Group 5

Block Group 9

Fultondale City

Tract 55

Tarrant City City

Tract 109

Block Group 8

Remainder of Birmingham Division

Tract 8

Tract 55

Tract 120.01

Block Group 6

Block Group 9

Tract 120.02

Block Group 2

Block Group 5

Block 930

Block 939

Block 949

Block 951

Blocks 966-967

HOUSE DISTRICT 60 SHALL CONSIST OF:

In Jefferson County

Birmingham Division

Birmingham City

Tract 10

Block Group 3

Block 402

Blocks 405-407

Blocks 409-410

Block 418

Block 421

Blocks 424-425

Block 427

Tract 11

Tract 12

Tract 30.01

Tract 31

Tract 32

Tract 33

Tract 37

Block Group 1

Block Group 5

Tract 39

Block Group 2

Block Group 4

Tract 124.01

Tract 124.02

Block 206

Remainder of Birmingham Division

Tract 11

Tract 124.01

Tract 124.02

Blocks 206-207

Block 211

Blocks 223-228

HOUSE DISTRICT 61 SHALL CONSIST OF:

In Tuscaloosa County

Tuscaloosa Division

Northport City

Tract 104.01

Block Groups 1-2

Tuscaloosa City

Tract 104.01

Block Groups 1-2

Tract 115

Tract 116

Tract 117

Tract 118

Tract 119

Tract 124

Tradt 125

Blocks 103-107

Block 141

Remainder of Tuscaloosa Division

Tract 104.01

Block Group 2

Tract 116

Tract 117

Tract 119

Tract 124

Tract 125

Blocks 102-107

Block 111

Block 141

HOUSE DISTRICT 62 SHALL CONSIST OF:

In Tuscaloosa County

Abernant Division

Vance Town

Tract 106

Remainder of Abernant Division

Tract 106

Big Sandy-Duncanville Division

All of the Moundville District

Moundville Town

Tract 107

Remainder of Big Sandy-Duncanville Division

Tract 107

Brookwood Division

Brookwood Town

Tract 106

Tuscaloosa City

Tract 106

Remainder of Brookwood Division

Tract 106

Coaling-Vance Division

Vance Town

Tract 107

Remainder of Coaling-Vance Division

Tract 107

Coker Division

Northport City

Tract 103

Block 125

Block 132

Block 149

Tuscaloosa City

Tract 103

Block 125

Blocks 132-135

Block 149

Remainder of Coker Division

Tract 103

Block 125
Block 132
Blocks 150-154
Blocks 156-159
Blocks 161-166
Blocks 168-169
Fosters Division
Tract 103
Tuscaloosa Division
Tuscaloosa City
Tract 108
Blocks 205-206
Blocks 298-299
Block Group 4
Tract 122
Tract 123
Tract 125
Block Group 2
Remainder of Tuscaloosa Division
Tract 108
Block 207
Blocks 209-213
Blocks 215-216
Block 218
Blocks 222-224
Blocks 227-229
Block 231
Blocks 236-237
Block 239
Blocks 298-299
Blocks 301-308
Blocks 310-318

Block 340

Block 351

Block 398

Block Group 4

Tract 123

Tract 125

Blocks 108-110

Blocks 112-120

Blocks 123-132

Block 134

Blocks 152-154

Block Group 2

Enumeration District 673

HOUSE DISTRICT 63 SHALL CONSIST OF:

In Tuscaloosa County

Tuscaloosa Division

Northport City

Tract 104.02

Tuscaloosa City

Tract 104.02

Tract 105

Tract 108

Block Group 1

Block 203

Block 235

Blocks 322-324

Block 399

Block Group 9

Tract 109

Tract 110

Tract 111

Tract 112

Tract 113

Tract 114

Tract 120

Tract 121

Remainder of Tuscaloosa Division

Tract 104.02

Tract 105

Tract 108

Block Group 1

Block 235

Blocks 328-329

Block 399

Block Group 9

Tract 109

HOUSE DISTRICT 64 SHALL CONSIST OF:

All of Conecuh County

All of Monroe County

HOUSE DISTRICT 65 SHALL CONSIST OF:

In Clark County

Coffeeville Division

Fulton Division

Grove Hill Division

Jackson Northwest Division

Jackson Southeast Division

All of Washington County

HOUSE DISTRICT 66 SHALL CONSIST OF:

In Choctaw County

Butler Division

Remainder of Buler Division

Tract 9999.99

Enumeration District 334T

Enumeration District 334U

Gilbertown-Toxey Division

Gilbertown Town

Trct 9999.99

Enumeration District 336

Toxey Town

Tract 9999.99

Enumeration Diitrictrict 335

Enumeration District 337B

Remainder of Gilbertown-Toxey Division

Tract 9999.99

Enumeration District 337A

Silas Division

In Clarke County

Thomasville Division

All of Marengo County

HOUSE DISTRICT 67 SHALL CONSIST OF:

In Choctaw County

Butler Division

Butler City

Remainder of Butler Division

Tract 9999.99

Enumeration District 333A

Gilbertown-Toxey Division

Remainder of Gilbertown-Toxey Division

Tract 9999.99

Enumeration District 338T

Enumeration District 338U

Lisman Division

All of Greene County

All of Sumter County

HOUSE DISTRICT 68 SHALL CONSIST OF:

In Dallas County

Carlowville Division

Orville Division

Safford Division

Sardis Division

Tract 9999.99

Enumeraton District 63

All of Hale County, Except the Moundville District

All of Perry County

HOUSE DISTRICT 69 SHALL CONSIST OF:

In Dallas County

Craig-Tyler Division

Enumeration District 60

Selma Division

Tract 9905

Remainder of Selma Division

Enumeration District 51

Enumeration District 52U

Enumeration District 52V

All of Lowndes County

All of Wilcox County

HOUSE DISTRICT 70 SHALL CONSIST OF:

In Dallas County

Craig-Tyler Division

Enumeration District 55

Enumeration District 56A

Enumeration District 56B

Enumeration District 57

Enumeration District 58

Enumeration District 59

Sardis Division

Enumeration District 61

Enumeration District 62

Selma Division

Tract 9901

Tract 9902

Tract 9903

Tract 9904

Remainder of Selma Division

Enumeration District 50

Enumeration District 52T

Enumeration District 53

Enumeration District 54

HOUSE DISTRICT 71 SHALL CONSIST OF:

All of Autauga County

In Chilton County

Clanton Division

Remainder of Clanton Division

Tract 602

Enumeration District 517

Verbena Division

Tract 607

Enumeration District 519

Enumeration District 520

Enumeration District 521

HOUSE DISTRICT 72 SHALL CONSIST OF:

In Bibb County

Centreville-Brent Division

West Blocton Division

Remainder of West Blocton Division

Tract 9999.99

Enumeration District 129

In Chilton County

Clanton Division

Clanton City

Remainder of Clanton Division

Tract 601

Enumeration District 515T

Enumeration District 515U

Enumeration District 516

Tract 602

Enumeration District 518

Isabella-Pletcher Division

Tract 606

Enumeration District 522

Enumeration District 527

Jemison Division

Maplesville Division

Mineral Springs Division

HOUSE DISTRICT 73 SHALL CONSIST OF:

In Montgomery County

Montgomery Division

Montgomery City

Tract 13

Block Groups 1-2

Tract 14

Blocks 101-102

Blocks 107-122

Block Groups 2-3

Blocks 401-412

Blocks 508-520

Tract 15

Blocks 111-113

Blocks 118-122

Block Group 2

Blocks 301-308

Tract 16

Block Groups 2-6

Tract 20

Tract 21

Tract 22

Block Groups 1-2

Tract 28

Tract 33

Tract 54.05

Tract 56.02

HOUSE DISTRICT 74 SHALL CONSIST OF:

In Montgomery County

Montgomery Division

Montgomery City

Tract 5

Tract 16

Block Group 1

Tract 17

Tract 18

Tract 19

Tract 26

Tract 27

Tract 53.01

Tract 53.02

Tract 54.02

Tract 54.03

HOUSE DISTRICT 75 SHALL CONSIST OF:

In Montgomery County

Hope Hull Division

Remainder of Hope Hull Division

Montgomery Division

Montgomery City

Tract 29

Tract 31

Tract 32

Tract 54.01

Tract 54.04

Tract 56.03

Remainder of Montgomery Division

Tract 54.01

Tract 54.04

Tract 56.03

Mount Meigs Division

Tract 55

Pike Road Division

Montgomery City

Tract 56.01

Remainder of Pike Road Division

Tract 56.01

Pine Level Division

Tract 57

Ramer Division

Tract 58

HOUSE DISTRICT 76 SHALL CONSIST OF:

In Elmore County

Elmore Division

Tallassee Division

Remainder of Tallassee Division

Tract 107

Enumeration District 958

Wetumpka Division

Remainder of Wetumpka Division

Tract 105

Enumeration District 965T

Enumeration District 965U

Enumeration District 966
In Montgomery County
Montgomery Division
Montgomery City
Tract 4
Blocks 101-103
Blocks 105-106
Block 109
Blocks 111-113
Block 115
Blocks 117-118
Blocks 204-213
Block Group 3
Block 408
Blocks 410-414
Block Groups 5-6
Block 823
Tract 9
Tract 10
Block Group 1
Tract 25
Block Group 2
Tract 51.01
Tract 51.03
Tract 60.01
Block Groups 1-2
Block 901
Blocks 904-924
Block 931
Remainder of Montgomery Division
Tract 51.01
Tract 60.01

HOUSE DISTRICT 77 SHALL CONSIST OF:

In Montgomery County

Montgomery Division

Montgomery City

Tract 1

Tract 2

Tract 3

Block Groups 1-5

Block 655

Block Groups 8-9

Tract 4

Block 114

Blocks 201-202

Block 407

Block Group 7

Blocks 812-817

Blocks 820-822

Tract 6

Tract 7

Tract 11

Block Groups 2-4

Blocks 502-503

Blocks 505-506

Blocks 509-514

Block 520

Block 524

Block 527

Blocks 529-530

Blocks 604-605

Block Group 8

Tract 12

Tract 13

Block Group 4

Tract 14

Blocks 103-106

Blocks 413-418

Blocks 501-507

Tract 15

Blocks 106-107

Blocks 114-117

Block 124

Blocks 309-315

Blocks 317-321

Block Groups 4-5

Block Group 7

Tract 25

Block Group 1

Tract 51.02

Remainder of Montgomery Division

Tract 3

Tract 51.02

HOUSE DISTRICT 78 SHALL CONSIST OF:

In Montgomery County

Hope Hull Division

Montgomery City

Tract 59.01

Tract 59.02

Montgomery Division

Montgomery City

Tract 10

Block Groups 2-9

Tract 11

Block Group 1

Block 528

Block 601

Block 615

Blocks 625-626

Blocks 628-629

Block 632

Block 634

Block Group 7

Tract 13

Block Group 3

Tract 22

Block Groups 3-9

Tract 23

Tract 24

Tract 30

Tract 60.01

Blocks 902-903

Blocks 988-989

Tract 60.02

Remainder of Montgomery Division

Tract 60.02

HOUSE DISTRICT 79 SHALL CONSIST OF:

In Lee County

Auburn-Opelika Division

Auburn City

Tract 401

Tract 402

Tract 403

Tract 404

Tract 405

Tract 406

Tract 407

Tract 408

Tract 409

Tract 411

Tract 417

Opelika City

Tract 405

Remainder of Auburn-Opelika Division

Tract 404

Tract 405

Tract 406

Tract 409

Beauregard-Marvyn Division

Auburn City

Tract 421

Block Group 3

Remainder of Beauregard-Marvyn Division

Tract 421

Block Groups 2-3

Enumeration District 536

Enumeration District 538

Enumeration District 539

Enumeration District 540

Loachapoka-Roxana Division

HOUSE DISTRICT 80 SHALL CONSIST OF:

In Lee County

Auburn-Opelika Division

Opelika City

Tract 411

Tract 412

Tract 413

Tract 414

Tract 415

Tract 416

Tract 417

Remainder of Auburn-Opelika Division

Tract 411

Tract 412

Tract 417

Beauregard-Marvyn Division

Auburn City

Tract 421

Block Group 1

Remainder of Beauregard-Marvyn Division

Tract 421

Block Group 1

Enumeration District 537

Beulah Division

Smiths-Salem Division

HOUSE DISTRICT 81 SHALL CONSIST OF:

All of Tallapoosa County

HOUSE DISTRICT 82 SHALL CONSIST OF:

All of Bullock County

All of Macon County

HOUSE DISTRICT 83 SHALL CONSIST OF:

In Russell County

Phenix City Division

Phenix City City

Remainder of Phenix City Division

Tract 304

Tract 305

Tract 306

Tract 308

Tract 309.01

Tract 309.02

Block Group 1

Block Group 9

Enumeration District 377

Enumeration District 378

HOUSE DISTRICT 84 SHALL CONSIST OF:

All of Barbour County

In Russell County

Cottonton-Seale Division

Crawford Division

Hurtsboro Division

Phenix City Division

Remainder of Phenix City Division

Tract 309.02

Enumeration District 376

HOUSE DISTRICT 85 SHALL CONSIST OF:

All of Henry County

In Houston County

Columbia Division

Columbia Town

Tract 417

Remainder of Columbia Division

Tract 417

Dothan Division

Cowarts Town

Tract 416

Dothan City

Tract 406

Tract 412

Tract 413

Tract 414

Tract 415

Tract 416

Kinsey Town

Tract 415

Tract 416

Webb Town

Tract 416

Remainder of Dothan Division

Tract 414

Tract 415

Tract 416

Gordon Division

Gordon Town

Tract 418

Remainder of Gordon Division

Tract 418

HOUSE DISTRICT 86 SHALL CONSIST OF:

In Houston County

Cottonwood Division

Remainder of Cottonwood Division

Tract 420

Enumeration District 768A

Enumeration District 770A

Dothan Division

Ashford Town

Tract 419

Avon Town

Tract 419

Cowarts Town

Tract 419

Dothan City

Tract 402

Block Group 7

Tract 403

Tract 404

Tract 405

Tract 407

Tract 408

Tract 409

Tract 410

Tract 411

Tract 419

Taylor Town

Tract 408

Remainder of Dothan Division

Tract 403

Tract 408

Tract 409

Tract 419

HOUSE DISTRICT 87 SHALL CONSIST OF:

In Geneva County

Bellwood-Coffee Springs Division

Geneva Division

Hartford Division

Samson Division

Slocomb Division

Malvern Town

Slocomb Town

Remainder of Slocomb Division

Tract 505

Tract 506

In Houston County

Cottonwood Division

Cottonwood Town

Tract 420

Remainder of Cottonwood Division

Tract 420

Enumeration District 767B

Enumeration District 769A

Dothan Division

Dothan City

Tract 401

Tract 402

Block Groups 1-3

Block Group 4-6

Block Group 9

Remainder of Dothan Division

Tract 401

Tract 402

Block Groups 1-2

Block Groups 6-7

Block Group 9

Madrid Division

Dothan City

Tract 421

Madrid Town

Tract 421

Taylor Town

Tract 421

Remainder of Madrid Division

Tract 421

HOUSE DISTRICT 88 SHALL CONSIST OF:

In Dale County

Daleville Division

Clayhatchee Town

Daleville City

Tract 211

Enumeration District 671

Enumeration District 674

Enumeration District 675

Tract 212

Enumeration District 676

Enterprise City

Levell Plains Town

Remainder Daleville Division

Echo Division

Fort Rucker Division

Newton Town

Tract 210

Block Group 9

Remainder Fort Rucker Division

Tract 210

Enumeration District 666

Enumeration District 669

Newton-Midland City Division

Ozark Division

Newton Town

Ozark City

Tract 204

Tract 205

Tract 206

Tract 207

Tract 208

Remainder Ozark Division

Tract 203

Tract 204

Tract 205

Tract 207

Tract 208

HOUSE DISTRICT 89 SHALL CONSIST OF:

In Dale County

Daleville Division

Daleville City

Tract 211

Enumeration District 672

Fort Rucker Division

Remainder of Fort Rucker Division

Tract 209

Enumeration District 667

Enumeration District 668

Daleville City

Tract 209

Enumeration District 670

Ozark Division

Ariton Town

Ozark City

Tract 201

Block Group 1

Remainder of Ozark Division

Tract 201

Enumeration District 654

Enumeration District 655A

All of Pike County

HOUSE DISTRICT 90 SHALL CONSIST OF:

All of Butler County

All of Crenshaw County

HOUSE DISTRICT 91 SHALL CONSIST OF:

All of Coffee County

HOUSE DISTRICT 92 SHALL CONSIST OF:

All of Covington County

HOUSE DISTRICT 93 SHALL CONSIST OF:

All of Escambia County

HOUSE DISTRICT 94 SHALL CONSIST OF:

In Baldwin County

Daphne Division

Daphne City

Tract 107

Tract 108

Block Groups 1-2

Remainder of Daphne Division

Tract 107

Blocks 101-106

Blocks 111-122

Block 129

Blocks 131-133

Blocks 137-145

Blocks 151-192

Blocks 194-199

Blocks 201-254

Enumeration District 411

Enumeration District 412

Enumeration District 413

Enumeration District 414

Enumeration District 444

Tract 108

Block Groups 1-2

Fairhope Division

Foley Division

HOUSE DISTRICT 95 SHALL CONSIST OF:

In Baldwin County

Bay Minette Division

Daphne Division

Remainder of Daphne Division

Tract 107

Blocks 107-110

Blocks 123-128

Blocks 130

Blocks 134-136

Blocks 146-150

Elberta Division

Robertsdale Division

Stockton Division

Summerdale Division

HOUSE DISTRICT 96 SHALL CONSIST OF:

In Mobile County

Mobile Division

Chickasaw City

Tract 38.02

Tract 50

Tract 51

Tract 52

Tract 53

Tract 54

Creola Town

Tract 38.02

Tract 57

Mobile City

Tract 38.02

Tract 38.99

Tract 52

Tract 53

Tract 54

Tract 56

Saraland City

Tract 38.02

Tract 54

Tract 55

Tract 56

Tract 57

Block Group 9

Tract 61

Satsuma City

Tract 56

Tract 57

Remainder of Mobile Division

Tract 38.02

Tract 54

Tract 56

Tract 57

Tract 61

Block 227

Block 801

Block 827

Blocks 829-834

Block 901

Blocks 904-906

Block 913

Blocks 918-919

Block 924

Block 944

Block 958

Block 964

Block 970

Block 976

Blocks 978-982

Mount Vernon Division

HOUSE DISTRICT 97 SHALL CONSIST OF:

In Mobile County

Mobile Division

Mobile City

Tract 9.01

Block Group 3

Tract 9.02

Tract 9.03

Tract 14

Block Group 4

Blocks 501-512

Blocks 514-515

Block Group 6

Tract 15.01

Tract 23.01

Block Groups 1-2

Blocks 302-303

Blocks 308-309

Tract 23.02

Tract 24

Tract 25.01

Tract 25.02

Tract 27

Tract 28

Tract 29

HOUSE DISTRICT 98 SHALL CONSIST OF:

In Mobile County

Mobile Division

Chickasaw City

Tract 45

Mobile City

Tract 26

Blocks 101-102

Block 115

Block 601

Blocks 604-605

Tract 39.01

Tract 39.02

Tract 45

Block 101

Blocks 124-125

Tract 49

Prichard City

Tract 34.01

Block 122

Tract 34.02

Tract 39.01

Tract 39.02

Tract 40

Tract 41

Tract 42

Block Group 1

Blocks 201-203

Blocks 210-219

Block Group 3

Tract 45

Tract 46

Block Groups 1-2

Tract 47

Tract 48

Tract 49

Tract 50

Tract 61

HOUSE DISTRICT 99 SHALL CONSIST OF:

In Mobile County

Mobile Division

Mobile City

Tract 5

Block Groups 1-2

Block Groups 4-7

Tract 6

Tract 7.01

Tract 7.02

Tract 8

Tract 12.01

Tract 26

Blocks 103-114

Block Groups 2-5

Block 602

Tract 38.01

Tract 43

Tract 44

Tract 45

Block 113

Blocks 128-129

Block Group 2

Prichard City

Tract 12.01

Tract 42

Blocks 204-209

Tract 43

Tract 44

Tract 46

Block Group 3

Remainder of Mobile Division

Tract 12.01

Tract 43

HOUSE DISTRICT 100 SHALL CONSIST OF:

In Mobile County

Mobile Division

Mobile City

Tract 34.03

Tract 34.04

Tract 34.05

Blocks 101-102

Blocks 105-115

Blocks 117-126

Blocks 129-134

Tract 34.06

Blocks 110-122

Blocks 128-131

Tract 36.01

Tract 36.02

Tract 36.03

Tract 37.01

Tract 37.02

Block Group 3

Remainder of Mobile Division

Tract 34.03

Blocks 501-503

Blocks 907-908

Block 911

Blocks 913-914

Block 930

Tanner-Williams Division

Tract 64

Block 836

HOUSE DISTRICT 101 SHALL CONSIST OF:

In Mobile County

Mobile Division**Mobile City****Tract 31****Block 101****Block 103****Block 105****Block 108-110****Blocks 116-118****Blocks 124-129****Block Group 3****Tract 32.01****Tract 32.02****Tract 32.03****Tract 33.01****Tract 33.02****Tract 34.01****Tract 34.02****Tract 34.06****Blocks 102-105****Blocks 107-108****Blocks 125-127****Tract 35.01****Tract 35.02****Tract 61****Remainder of Mobile Division****Tract 34.01****Block 122****Tract 34.02****Block 127****Tract 61****Blocks 212-213****Block 977**

HOUSE DISTRICT 102 SHALL CONSIST OF:

In Mobile County

Citronelle Division

Mobile Division

Mobile City

Tract 68

Remainder of Mobile Division

Tract 34.03

Block Group 4

Block 504

Block 510

Block 906

Tract 61

Blocks 802-826

Block 912

Block 972

Enumeration District 571

Tract 68

Blocks 210-211

Blocks 230-234

Block Group 3

Semmes Division

Tanner-Williams Division

Tract 64

Block Groups 1-2

Blocks 301-320

Blocks 322-323

Block Group 4

Blocks 801-819

Blocks 821-823

Blocks 831-853

Block 855

Block 901

Blocks 901-906

Block 915

Blocks 990-991

Enumeration District 542T

Enumeration District 542U

Enumeration District 543

HOUSE DISTRICT 103 SHALL CONSIST OF:

In Mobile County

Mobile Division

Mobile City

Tract 1

Tract 2

Tract 3

Tract 4.01

Tract 4.02

Tract 5

Block Group 3

Tract 9.01

Block Groups 1-2

Tract 10.01

Tract 10.02

Tract 11

Tract 12.02

Tract 12.99

Tract 13.01

Tract 13.02

Tract 14

Block Groups 1-3

Tract 15.02

Tract 16

Tract 17

Tract 18

Blocks 101-102

Blocks 104-114

Blocks 117-119

Blocks 121-124

Tract 19.01

Blocks 101-102

Block 110

Tract 19.02

Blocks 101-105

Blocks 108-110

Block 116

Blocks 120-121

HOUSE DISTRICT 104 SHALL CONSIST OF:

In Mobile County

Mobile Division

Mobile City

Tract 18

Block Group 2

Tract 19.01

Blocks 106-108

Blocks 111-115

Block Group 2

Tract 19.02

Block 111

Blocks 113-115

Block 117

Block Group 2

Blocks 302-309

Blocks 312-315

Tract 20

Tract 21

Blocks 101-109
 Blocks 112-114
 Blocks 117-118
 Blocks Groups 2-4
 Tract 22
 Tract 23.01
 Blocks 304-306
 Blocks 310-311
 Tract 30
 Tract 31
 Blocks 201-202
 Blocks 206-212
 Blocks 215-216
 Blocks 220-222
 Blocks 225-231
 Tract 37.02
 Block Groups 1-2
 Remainder of Mobile Division
 Tract 68
 Block Group 1
 Blocks 201-209
 Block 212
 Blocks 214-223
 Theodore Division
 Tract 69
 Block 101
 Block 120
 Blocks 122-126
 Block 128
 Blocks 130-135
 Blocks 143-145
 Blocks 147-148

Blocks 151-152

Tract 70

Blocks 101-127

Blocks 137-140

Block Group 9

Tract 71

Enumeration District 557

Enumeration District 558

Enumeration District 559

HOUSE DISTRICT 105 SHALL CONSIST OF:

In Mobile County

Bayou La Batre Division

Grand Bay Division

Theodore Division

Tract 69

Blocks 102-107

Blocks 117-118

Block 149

Block 153

Block Groups 2-3

Tract 71

Block Group 1

Section 2. The Senate of the Alabama Legislature shall consist of 35 members and the state is hereby divided into 35 senatorial districts for the election of one senator from each district at-large. Each senator shall reside in the district he represents. Each senatorial district shall be composed of districts into which the state is divided by section 1 of this act for the purpose of electing members of the House of Representatives of the Alabama Legislature as follows:

District 1 House District Nos. 1, 2 and 3

District 2 House District Nos. 4, 5 and 6

District 3 House District Nos. 7, 8 and 9

District 4 House District Nos. 10, 11 and 12

District 5 House District Nos. 13, 14 and 15
District 6 House District Nos. 16, 17 and 18
District 7 House District Nos. 19, 20 and 21
District 8 House District Nos. 22, 23 and 24
District 9 House District Nos. 25, 26 and 27
District 10 House District Nos. 28, 29 and 30
District 11 House District Nos. 31, 32 and 33
District 12 House District Nos. 34, 35 and 36
District 13 House District Nos. 37, 38 and 39
District 14 House District Nos. 40, 41 and 42
District 15 House District Nos. 43, 44 and 45
District 16 House District Nos. 46, 47 and 48
District 17 House District Nos. 49, 50 and 51
District 18 House District Nos. 52, 53 and 54
District 19 House District Nos. 55, 56 and 57
District 20 House District Nos. 58, 59 and 60
District 21 House District Nos. 61, 62 and 63
District 22 House District Nos. 64, 65 and 66
District 23 House District Nos. 67, 68 and 69
District 24 House District Nos. 70, 71 and 72
District 25 House District Nos. 73, 74 and 75
District 26 House District Nos. 76, 77 and 78
District 27 House District Nos. 79, 80 and 81
District 28 House District Nos. 82, 83 and 84
District 29 House District Nos. 85, 86 and 87
District 30 House District Nos. 88, 89 and 90
District 31 House District Nos. 91, 92 and 93
District 32 House District Nos. 94, 95 and 96
District 33 House District Nos. 97, 98 and 99
District 34 House District Nos. 100, 101 and 102
District 35 House District Nos. 103, 104 and 105

Section 3. All laws or parts of laws which conflict with this

act are hereby repealed, and act no. 82-629, 1982 first special session is hereby expressly repealed and shall have no other effect of law.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this act shall be effective for the election of members of the House of Representatives and for the election of Senators in the Alabama legislature at the general election of 1986, and at such other election or elections as may be ordered by the United States District Court for the middle district of Alabama in connection with *Burton, et. al. v. Hobbie, et. al.*, NC. 81-617-N, and until each house of the legislature, respectively, is reappointed in accordance with the provisions of the Alabama constitution.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 23, 1983

Time: 3:45 P.M.

Act No. 83-155

H. 11—Reps. Albright, Ashley

AN ACT

To amend Sections 25-4-10, 25-4-16, 25-4-32, 25-4-51, 25-4-52, 25-4-54, 25-4-70, 25-4-72, 25-4-73, 25-4-74, 25-4-77, 25-4-78, 25-4-91, 25-4-130, 25-4-132, 25-4-133 and 25-4-145, Code of Alabama 1975, as last amended, (The Alabama Unemployment Compensation Act), so as to extend the exemption from the definition of "employment" services performed by certain aliens until January 1, 1984; to remove age restrictions for exemption from coverage of a full time student participating in a work study program, to exclude from coverage certain qualified real estate agents and direct sellers; to increase the taxable wage base to \$8,000 and to provide for its retroactive effect to January 1, 1983; to clarify exemption/non-exemption of wages into or from a tax deferred trust; to extend to 35 years the period during which certain moneys credited to the fund may be used for administrative purposes; to clarify certain provision and procedures dealing with governmental entities; to amend the amount of surety bond required from non-profit organizations; to provide for an experience rating charge upon payment of benefits equaling the claimant's weekly benefit amount; to increase employee tax to 1.0% and to provide for its retroactive effect to January 1, 1983; to increase the maximum tax rate for employers to 5.0% January 1, 1984 and to 5.4% January 1, 1985; to provide for an emergency surcharge on employers of 25% of the employer's computed tax rate (limited to an increase of 0.7 percent) and to provide for its retroactive effect to January 1, 1983 and to set criteria for the termination of such surcharge; to require denial of benefits between academic terms or years for non-professional employees of institutions of higher education under certain conditions and for retroactive payment of benefits to non-professional employees of any institution of education operated by a governmental or non-profit organization under

certain conditions; to provide for an increase in weekly benefit amount to \$120 effective with weeks of unemployment commencing in benefit years beginning on or after the first Sunday of the first calendar quarter which begins at least 90 days after the effective date of this act; to increase the minimum weekly benefit amount to \$22 effective the same date; to provide that the separation from a job subsequent to a voluntary quit, discharge for dishonest or criminal act or a discharge for misconduct after warning must be for a non-disqualifying reason (with wages equal to 10 times weekly benefit amount subsequent to a separation for criminal misconduct), increases the disqualification for industrial misconduct to 4-8 weeks, all effective with benefit years beginning 30 or more days after the effective date of this act; to authorize the director to collect overpayments, waive overpayments and to establish limitations of time on such actions; and to provide other minor non-controversial technical revisions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 25-4-10, Code of Alabama 1975, as last amended, is hereby amended to read:

“§ 25-4-10. Employment.—

(a) Subject to other provisions of this chapter, “employment” means:

(1) Any service performed prior to January 1, 1978, which was employment as defined in this section prior to such date and, subject to the other provisions of this section, services performed for remuneration after December 31, 1977, including service in interstate commerce, by:

- a. Any officer of a corporation; or
- b. Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or
- c. Any individual other than an individual who is an employee under paragraphs a. or b. of this subdivision (1) who performs services for remuneration for any person:

1. As an agent-driver or commission-driver engaged in distributing meat products, bakery products, beverages (other than milk) or laundry or dry cleaning services for his principal;

2. As a traveling or city salesman engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors or operators of hotels, restaurants or other similar establishments for merchandise for resale or supplies for use in their business operations.

For purposes of paragraph c. of this subdivision, the term “employment” shall include services described in subparagraphs 1. and 2. of paragraph c. of this subdivision, performed after December 31, 1971, only if:

(i) The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

(ii) The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

(iii) The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are rendered.

(2) Service performed:

a. After December 31, 1971, but prior to January 1, 1978, by an individual in the employ of this state or any of its instrumentalities or political subdivisions or their instrumentalities (or in the employ of any of the foregoing and one or more other states or their instrumentalities or political subdivisions) for a hospital or institution of higher education located in this state; provided, however, that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306 (c) (7) of that act, and is not excluded from "employment" under subsection (b) of this section; provided further, that such service in the employ of a political subdivision or any of its instrumentalities shall be deemed to be "employment" within the meaning of this chapter only if said political subdivision or its instrumentalities has elected to become an employer subject to this chapter pursuant to section 25-4-131 for all such service in the employ of the political subdivision and its instrumentalities and has not ceased to be an employer subject hereto pursuant to section 25-4-130 or section 25-4-131; and

b. After December 31, 1977, in the employ of this state or any of its instrumentalities or of any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any one of the foregoing and one or more other states or political subdivisions, provided, however, that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by section 3306 (c)(7) of that act and is not excluded from "employment" under subsection (b) of this section.

c. For the purposes of this chapter, the term "governmental entity" in reference to this state is defined as the entirety of state government, but for the purposes of reporting, accounting or other administrative procedures such entity shall be divided into each department, agency, board, commission and any other separately organized division or instrumentality of this state. The Comptroller of this state shall make such payments to the director as are required by the other provisions of this chapter as they pertain to the various

organizational components of the state. The Comptroller is hereby authorized to require of such components such payments as are necessary to discharge his responsibilities and shall enforce such payments under the provisions of subsection (b) of section 25-4-51.

d. The term "governmental entity" in reference to any political subdivision is defined as each county and its instrumentalities and each municipality and its instrumentalities, except that each instrumentality of a political subdivision which is separately incorporated or otherwise removed from the control of the governing body of the political subdivision shall be a separate governmental entity. Instrumentalities organized and operated jointly by any combination of two or more of the aforementioned entities shall be considered as constituting a separate governmental entity. The foregoing notwithstanding, each public school system shall constitute a separate governmental entity.

(3) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational or other organization but only if the following conditions are met:

a. The service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306 (c)(8) of that act, and is not excluded from "employment" under subdivisions (8) and (21) of subsection (b) of this section; and

b. The organization had four or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(4) a. Service performed after December 31, 1977, by an individual in agricultural labor as defined in subdivision (1) of subsection (b) of this section, when:

1. Such service is performed for an employing unit which:

(i) During any calendar quarter in either the current or the preceding calendar year paid remuneration in cash of \$20,000.00 or more to individuals employed in agricultural labor (not taking into account service in agricultural labor performed before January 1, 1984, by an alien referred to in subparagraph 2. of this paragraph a.; or

(ii) For some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor (not taking into account service in agricultural labor performed before January 1, 1984, by an alien referred to in subparagraph 2. of

this paragraph a. 10 or more individuals, regardless of whether they were employed at the same moment of time.

2. For the purposes of this paragraph a., such service is not considered to be performed in agricultural labor if performed before January 1, 1984, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act.

3. For the purposes of this paragraph a. any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be treated as an employee of such crew leader.

(i) If such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963, or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or crop dusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

(ii) If such individual is not an employee of any other person within the meaning of subdivision (1) of this subsection.

4. For the purposes of this subdivision (4) in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee of such crew leader under subparagraph 3. of this paragraph a.:

(i) Such other person and not the crew leader shall be treated as the employer of such individual; and

(ii) Such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his own behalf or on the behalf of such other person) for the service in agricultural labor performed for such other person.

5. For the purposes of this paragraph a., the term "crew leader" shall mean an individual who:

(i) Furnishes individuals to perform service in agricultural labor for any other persons;

(ii) Pays (either on his own behalf or on behalf of such other person) the individuals so furnished by him for the service in agricultural labor performed by them; and

(iii) Has not entered into a written agreement with the farm operator under which such crew leader is designated as an employee of such farm operator.

b. Domestic service after December 31, 1977, in a private home, local college club or local chapter of a college fraternity or sorority performed for a person who paid cash remuneration of \$1,000.00 or more in any calendar quarter in the current calendar year or the preceding calendar year to individuals employed in such domestic service.

For the purposes of this paragraph b. the term "domestic service" includes all service for a person in the operation and maintenance of a private household, local college club or local chapter of a college fraternity or sorority as distinguished from service as an employee in the pursuit of an employer's trade, occupation, profession, enterprise or vocation.

(5) The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States after December 31, 1971, (except in Canada or in the case of the Virgin Islands after December 31, 1971, and prior to January 1 of the year following the year in which the U. S. secretary of labor approves the Unemployment Compensation Law of the Virgin Islands under section 3304 (a) of the Internal Revenue Code of 1954) in the employ of an American employer (other than service which is deemed "employment" under the provisions of subdivisions (8) or (9) of this subsection (a) or the parallel provisions of another state's law), if:

a. The employer's principal place of business in the United States is located in this state; or

b. The employer has no place of business in the United States, but:

1. The employer is an individual who is a resident of this state; or

2. The employer is a corporation which is organized under the laws of this state; or

3. The employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

c. None of the criteria of paragraphs a. and b. of this subdivision (5) is met but the employer has elected coverage in this state, or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state.

d. An "American employer," for the purpose of this subsection, means a person who is:

1. An individual who is a resident of the United States; or

2. A partnership, if two-thirds or more of the partners are residents of the United States; or

3. A trust, if all of the trustees are residents of the United States; or

4. A corporation organized under the laws of the United States or of any state.

e. For the purposes of this subdivision (5), the term "United States" includes the states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and in the case of the Virgin Islands, after December 31 of the year in which the U. S. secretary of labor approves the Virgin Islands' Unemployment Insurance Law for the first time.

(6) Notwithstanding subdivision (8) of this subsection (a), all service performed by an officer or a member of the crew of an American vessel on or in connection with such vessel, if the operating office from which the operations of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled, is within this state.

(7) Notwithstanding any other provisions of this section, service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under this chapter.

(8) Subject to the other provisions of this section, the term "employment" shall include an employee's entire service, performed within or both within and without this state if:

a. The service is localized in this state; or

b. The service is not localized in any state but some of the service is performed in this state and the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled is in this state, or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the employee's residence is in this state;

c. Service shall be deemed to be localized within a state if the service is performed entirely within such state, or the service is performed both within and without such state, but the service performed without such state is incidental to the employee's service within the state; for example, service which is temporary or transi-

tory in nature or consists of isolated transactions;

d. The service shall be deemed to be localized in this state wherever such service is performed within the United States, as defined in paragraph e. of subdivision (5) of subsection (a) of this section, if such service is not covered under the unemployment compensation law of any other state, as defined in section 25-4-14, and the place from which such service is directed or controlled is in this state.

(9) Services not covered under subdivision (8) of this subsection (a) and performed entirely without the state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this chapter if the employee performing such service is a resident of this state and the director approves the election of the employing unit for whom such services are performed. The entire service of such employee shall be deemed to be "employment" subject to this chapter.

(10) The term "employment" includes a person's entire services if such service is deemed performed in this state by virtue of reciprocal agreements pursuant to the provisions of section 25-4-120 and does not include any service which by virtue of such agreement is deemed performed in another state.

(b) The term "employment" shall not include:

(1) Except as provided in paragraph a. of subdivision (4) of subsection (a) of this section, service performed by an individual in agricultural labor. For purposes of this chapter, the term "agricultural labor" means any service performed prior to January 1, 1978, which was agricultural labor as defined in this section prior to such date, and remunerated service performed after December 31, 1977, if such service was performed:

a. On a farm, in the employ of any employing unit, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, bees, poultry and fur-bearing animals and wildlife.

b. In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

c. In connection with the production or harvesting of any com-

modity defined as an agricultural commodity in Section 15 (g) of the Agricultural Marketing Act, as amended (46 Stat. 1550, Sec. 3; 12 U.S.C. 1141j), or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

d. In the employ of the operator of a farm, a group of operators of farms (or a cooperative organization of which such operators are members) in handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodities, but only if such operator or group of operators (or a cooperative organization of which such operators are members) produced more than one half of the commodity with respect to which service is performed; provided, however, the provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

e. On a farm operated for profit if such service is not in the course of the employer's trade or business.

As used in this subdivision, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(2) Prior to January 1, 1978, domestic services in a private home, local college club, or local chapter of a college fraternity or sorority and after December 31, 1977, if the provisions of paragraph b. of subdivision (4) of subsection (a) of this section are not met.

(3) Casual labor not in the usual course of the employer's trade or business performed after December 31, 1971, in any calendar quarter by an individual, unless the cash remuneration paid for such service is \$50.00 or more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the purposes of this subdivision, an individual shall be deemed to be regularly employed to perform service not in the course of an employing unit's trade or business during a calendar quarter only if:

a. On each of some twenty-four days during such quarter such individual performs such service for some portion of the day; or

b. Such individual was regularly employed (as determined

under paragraph a. of this subdivision) by such employing unit in the performance of such service during the preceding calendar quarter.

(4) Service performed by an individual in the employ of his son, daughter or spouse, and service performed by an individual under the age of 21 in the employ of his father or mother.

(5) Prior to January 1, 1978, except to the extent set forth in subdivision (2) of subsection (a) of this section, service performed in the employ of this state, or any political subdivision thereof, or of any instrumentality of this state or its political subdivisions.

(6) Prior to January 1, 1978, except as provided in subdivision (2) of subsection (a) of this section, service performed in the employ of any other state or any political subdivisions thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more such states or political subdivisions, and any service performed in the employ of any instrumentality of any one or more other states or their political subdivisions to the extent that the instrumentality is, with respect to such service, immune, under the Constitution of the United States from the tax imposed by section 3301 of the federal Internal Revenue Code.

(7) Service performed in the employ of the United States government or of any instrumentality wholly owned by the United States, except that if the congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under this chapter, then to the extent permitted by congress and from and after the date as of which such permission becomes effective, all of the provisions of this chapter shall be applicable to such instrumentalities and to services performed by employees for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers and employing units; provided, however, if this state should not be certified by the secretary of labor under section 3304(c) of the federal Internal Revenue Code for any year, then the payment required of such instrumentality with respect to such year shall be deemed to have been erroneously collected within the meaning of article 3 of this chapter and shall be refunded by the director from the fund in accordance with the provisions of section 25-4-137.

(8) Except to the extent set forth in subdivision (3) of subsection (a) of this section, service performed in the employ of a corporation, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of

which is carrying on propaganda, or otherwise attempting to influence legislation.

(9) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the Railroad Unemployment Insurance Act of congress (52 Stat. 1094, as amended) and services with respect to which unemployment compensation is payable under any other unemployment compensation system established by an act of congress; provided, however, that the director is hereby authorized and directed to enter into agreements with the proper agencies under such act or acts of congress, which agreements shall become effective 10 days after publication thereof in the manner provided in section 25-4-111 for general rules to provide reciprocal treatment to individuals who have, after requiring potential rights to benefits under this chapter acquired rights to unemployment compensation under such act or acts of congress, or who have, after acquiring potential rights to unemployment compensation under such act or acts of congress, acquired rights to benefits under this chapter.

(10) Service performed by an individual as an insurance agent or as an insurance solicitor, if all such service performed by such individual is performed for remuneration solely by way of commission.

(11) Service performed, in the employ of a school, college or university, if such service is performed:

a. By a student who is enrolled and is regularly attending classes at such school, college or university; or

b. By the spouse of such a student, if such spouse is advised at the time such spouse commences to perform such service, that:

1. The employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college or university; and

2. Such employment will not be covered by any program of unemployment insurance.

(12) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except this paragraph shall not apply to service performed in a pro-

gram established for or on behalf of an employer or group of employers.

(13) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital as defined in subsection (e) of this section, or service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state laws, and service performed as an intern in the employ of a hospital by an individual who has completed a four-year course in a medical school chartered or approved pursuant to state law.

(14) Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

(15) Except as provided in subdivisions (2) and (3) of subsection (a) of this section, any employment or service which is excluded by the express statutory provisions of Section 3306 of the federal Internal Revenue Code as amended.

(16) Service performed by an officer or member of the crew of a vessel which is not an American vessel. The term "American vessel" means any vessel documented or numbered under the law of the United States, and includes any vessel which is neither documented nor numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.

(17) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except:

a. Service performed in connection with the catching or taking of salmon or halibut for commercial purposes; and

b. Service performed on or in connection with a vessel of more than 10 net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States).

(18) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative).

(19) Service performed in the employ of an instrumentality wholly owned by a foreign government if:

a. The service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and

b. The director finds that the United States secretary of state has certified to the United States secretary of the treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof.

(20) Except to the extent set forth in subdivision (3) of subsection (a) of this section, service performed in any calendar quarter in the employ of any organization exempt from income tax under Section 501 (a) of the federal Internal Revenue Code (other than organizations described in section 401(a)) or under Section 521 of such Code, if the remuneration for such service is less than \$50.00.

(21) Services performed for any governmental entity, institution or organization described in subdivisions (2) and (3) of subsection (a) of this section:

a. In the employ of:

1. A church or convention or association of churches; or
2. An organization that is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches; or

b. By a duly ordained, commissioned or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

c. Except as provided in subdivision (7) of subsection (a) of section 25-4-8:

1. Prior to January 1, 1978, in the employ of a school which is not an institution of higher education;

2. After December 31, 1977, in the employ of a governmental entity referred to in paragraph b. of subdivision (2) of subsection (a) of this section, if such service is performed by an individual in the exercise of duties:

- (i) As an elected official;
- (ii) As a member of a legislative body, or a member of the judiciary of this state or any of its political subdivisions;
- (iii) As a member of the state National Guard or Air National

Guard;

(iv) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency (this exclusion does not apply to permanent employees whose usual responsibilities include emergency situations);

(v) In a position which, under or pursuant to the laws of this state, is designated as a major nontenured policymaking or advisory position or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than 8 hours per week; or

d. In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or

e. As part of an unemployment work relief or work training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training; or

f. For a hospital in a state prison or other state correctional institution prior to January 1, 1978, by an inmate of the prison or correctional institution and, after December 31, 1977, by an inmate of a custodial or penal institution.

(22) Services performed by an individual as a qualified real estate agent. For the purposes of this chapter the term "qualified real estate agent" shall mean an individual who is a sales person if:

a. such individual is a licensed real estate agent; and

b. substantially all of the remuneration for services performed as a real estate agent (whether or not paid in cash) is directly related to sales or other output (including the performance of services), rather than the number of hours worked, and

c. the services performed by the individual are performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for Federal tax purposes.

(23) Services performed by an individual as a direct seller. For the purposes of this chapter the term "direct seller" shall mean any individual who:

a. is engaged in the trade or business of selling (or soliciting the sale of) consumer products to any buyer on a—

1. buy-sell basis, or

2. deposit-commission basis, or

3. any similar basis which the U.S. secretary of the treasury prescribes by regulations, for resale (by the buyer or any other individual), in the home or otherwise than in a permanent retail establishment; or

b. is engaged in the trade or business of selling (or soliciting the sale of) consumer products to a consumer in the home or otherwise than in a permanent retail establishment, and

c. substantially all of the remuneration for the services performed by such individual as a direct seller (whether or not paid in cash) is directly related to sales or output (including the performance of services) rather than to the number of hours worked, and

d. The services performed by such individual are performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for Federal tax purposes.

(c) "Institution of higher education," for the purposes of this chapter, means an educational institution which:

- (1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

- (2) Is legally authorized in this state to provide a program of education beyond high school;

- (3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation.

(d) For the purposes of this chapter the term "educational institution" means an educational institution (including an institution of higher education as defined in subsection (c) of this section) in which:

- (1) Participants, trainees or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor(s) or teacher(s).

(2) It is approved, licensed or issued a permit to operate as a school by the state department of education or other government agency that is authorized within the state to approve, license or issue a permit for the operation of a school.

(3) The courses of study or training which it offers may be academic, technical, trade, or preparation for gainful employment in a recognized occupation, as opposed to study or training in the social graces or skills or whose primary purpose is to provide baby sitting or day care services although some learning activities may be included.

In any particular case, the question of whether or not an institution is an educational institution (other than an institution of higher education) within the meaning of the criteria described above will depend on what that particular institution actually does.

(e) "Hospital" means an institution which has been licensed, certified or approved by the state board of health or the state board of mental health as a hospital or a similar institution operated by the state or any of its political subdivisions or by an instrumentality of either of the foregoing.

(f) If the services performed during one half or more of any pay period by an employee for the employing unit employing him constitute employment, all of the services of such employee for such period shall be deemed to be employment, but if the services performed during more than one half of any such pay period by an employee for the employing unit employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection the term "pay period" means a period (of not more than 31 consecutive days) for which a payment or remuneration is ordinarily made to the employee by the employing unit employing him."

Section 2. Section 25-4-16, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-16. Wages.—

(a) Prior to January 1, 1983, "wages," as used in this chapter, shall mean such remuneration as was defined in this section prior to such date.

(b) On and after January 1, 1983, "wages," as used in this chapter, shall mean every form of remuneration paid or received for personal services, including the cash value of any remuneration paid in any medium other than cash. The reasonable cash value of remuneration paid in any medium other than cash shall be determined in accordance with rules prescribed by the director; except that effec-

tive on May 28, 1980, and for the purposes of reporting and computing the amount of contributions due, back pay awarded as the result of an agreement, arbitration or order of a court of competent jurisdiction on a retroactive basis shall be considered "wages" during the calendar quarter in which such retroactive payments are made. The term "wages," however, shall not include:

(1) That part of remuneration, which after remuneration equal to \$8,000.00 (or such greater amount as may be or become subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund) has been paid in a calendar year to an individual by an employer or his predecessor employer or by a combination of both the employer and his predecessor employer with respect to employment during any calendar year, is paid to such individual by such employer during such calendar year except with respect to subdivisions (1) and (2) of subsection (a), subdivision (4) of subsection (b) and subsection (c) of Section 25-4-54 and Sections 25-4-71 through 25-4-75. For the purpose of this subdivision (1), the term "employment" shall include service constituting employment under any unemployment compensation law of another state or of this state.

(2) The amount of any payments (including any amount paid by an employer for insurance or annuities, or into a fund to provide for any such payment) made to, or on behalf of an employee or any of his dependents under a plan or system established by an employer which makes provisions for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of:

- a. Retirement; or
- b. Sickness or accident disability; or
- c. Medical or hospitalization expenses in connection with sickness or accident disability; or
- d. Death.

(3) Any payment made to an employee (including any amount paid by an employer for insurance or annuities, or into a fund to provide for any such payment) on account of retirement.

(4) Any payment made by an employer to, or on behalf of, any employee or his beneficiary:

- a. From or to a trust which meets the requirements of Section 401(k) of the federal Internal Revenue Code and which is exempt from tax under Section 501 (a) of the federal Internal Revenue Code at the time of such payment unless such payment is made to an

employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust; or

b. Under or to an annuity plan which, at the time of such payment, meets the requirements of Section 401 (a) (3), (4), (5) and (6) of the federal Internal Revenue Code.

(5) The payment by an employer (without deduction from the remuneration of the employee) of the tax imposed upon an employee under Article 3 of this chapter, or of the tax imposed upon an employee by Section 3101 of the federal Internal Revenue Code, as amended, with respect only to remuneration paid to an employee for domestic service in a private home or for agricultural labor.

(6) Remuneration paid in any medium other than cash to an employee for agricultural or domestic services or for services not in the course of the employer's trade or business.

(7) Any payment (other than vacation or sick pay) made to an employee after the month in which he attains the age of 65, if he did not work for the employer in the period for which such payment is made.

(8) Dismissal payments which the employer is not legally required to make.

(9) Payments made into a fund by an employer to provide for supplemental unemployment benefits under a plan established to provide such benefits to employees in general, or a group or class of employees, of such employer."

Section 3. Section 25-4-32, Code of Alabama 1975, as last amended is hereby amended to read:

"§ 25-4-32. Requisition of moneys from trust fund.—

(a) Money shall be requisitioned from the state's account in the unemployment trust fund solely for the payment of benefits and in accordance with regulations prescribed by the director; except, that money credited to this state's account pursuant to section 903 of the Social Security Act, as amended, shall be used exclusively as provided in this section. The director shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to this state's account therein, as he deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer of the fund shall deposit such moneys in the benefit payment account and shall issue his checks for the payment of benefits solely from such benefit account. Expenditures of such moneys in the benefit payment account and refunds for the clearing account shall not be subject to any provisions of law (and shall be in lieu of all provisions of law) requiring

specific appropriations or other formal release by state officers of moneys in their custody. All checks issued by the treasurer of the fund for the payment of benefits shall bear the signature of said treasurer, and the countersignature of the director or his duly authorized agent, both in such manner as the director may prescribe. Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unexpended in the benefit payment account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of benefits during succeeding periods, or, in the discretion of the director, shall be redeposited with the secretary of the treasury of the United States to the credit of this state's account in the unemployment trust fund as provided in section 25-4-31.

(b) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the Social Security Act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this chapter pursuant to a specific appropriation by the legislature; provided, that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(1) Specifies the purposes for which such money is appropriated and the amounts appropriated therefor;

(2) Limits the period within which such money may be expended to a period ending not more than two years after the date of the enactment of the appropriation law; and

(3) Limits the amount which may be used during a 12-month period beginning on July 1, and ending on the next June 30, to an amount which does not exceed the amount by which the aggregate of the amounts credited to the account of this state pursuant to section 903 of the Social Security Act, as amended, during the same 12-month period and the thirty-four preceding 12-month periods, exceeds the aggregate of the amounts used pursuant to this section and charged against the amount credited to the account of this state during any of such thirty-five 12-month periods. For the purposes of this subdivision, amounts used during any such 12-month period shall be charged against equivalent amounts which were first credited and which are not already so charged; except, that no amount used during any such 12-month period for administration may be charged against any amount credited during such a 12-month period earlier than the thirty-fourth preceding such period.

(c) Money requisitioned for the payment of expenses of administration pursuant to this section shall be deposited in the em-

ployment security administration fund, but, until expended, shall remain a part of the unemployment fund. The director shall maintain a separate record of the deposit, obligation, expenditure and return of funds so deposited. If any money so deposited is, for any reason, not to be expended for the purpose for which it was appropriated, or, if it remains unexpended at the end of the period specified by the law appropriating such money, it shall be withdrawn and returned to the secretary of the treasury of the United States for credit to this state's account in the unemployment trust fund.

(d) Money credited to the account of this state pursuant to section 903 of the Social Security Act, as amended, may not be withdrawn or used except for the payment of benefits and for the payment of expenses for the administration of this chapter and of public employment offices pursuant to this chapter."

Section 4. Section 25-4-51, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-51. Rates of contributions, etc., by employers.

(a) Contributions.—Except as hereinafter provided and subject to the provisions of section 25-4-54, every employer shall pay contributions, or payments in lieu of contributions, equal to the percentages of wages payable or paid as hereinafter set out, with respect to employment by him.

(1) With respect to employment during calendar years prior to January 1, 1972, and calendar years after December 31, 1975, the rate shall be 2.70 percent of such wages payable.

(2) With respect to employment after December 31, 1971, and prior to January 1, 1976, except as hereinafter provided, every employer who has not been liable to the provisions of this chapter for a sufficient length of time to have his rate determined under the experience rating provisions of section 25-4-54 shall pay contributions at the rate of 1.50 percent of such wages paid by him with respect to such employment.

(3) With respect to employment after December 31, 1971, any nonprofit organization which, pursuant to the provisions of subdivision (8) of subsection (a) of section 25-4-8, is or becomes subject to this chapter after December 31, 1971, shall pay contributions under the provisions of subdivisions (1) and (2) of this subsection (a) of this section and section 25-4-54, unless it elects in accordance with paragraph a of this subdivision to pay to the director for the fund an amount equal to the amount of regular benefits and one half of the extended benefits paid, that is attributable to service in the employ of such employer, to individuals for weeks of unemployment which begin during the effective period of such election.

a. Any nonprofit organization which becomes subject to this chapter on January 1, 1972, by virtue of its employment during calendar year 1971, may elect to become liable for payment in lieu of contributions for a period of not less than nine consecutive calendar quarters beginning with January 1, 1972, provided it files with the director a written notice of its election within the 30-day period immediately following such date. Any nonprofit organization which becomes subject to this chapter by virtue of its employment subsequent to calendar year 1971, may elect to become liable for payments in lieu of contributions for a period of not less than six consecutive calendar quarters, ending on the 30th day of September, by filing a written notice of its election with the director not later than 30 days immediately following the date on which the conditions rendering such organization subject were fulfilled.

b. Any nonprofit organization which makes an election in accordance with paragraph a of this subdivision will continue to be liable for payments in lieu of contributions until it files with the director a written notice terminating its election. Any such termination shall be effective at the end of a calendar year. Said notice shall be filed not later than the first day of December preceding the effective date of such termination.

c. Any nonprofit organization which has been paying contributions under this chapter for a period of at least one calendar year subsequent to January 1, 1972, may change to a reimbursable basis by filing with the director not later than the first day of December preceding the beginning of any calendar year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization during that and the next calendar year and may be terminated only at the end of a calendar year.

d. The director may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1971.

e. The director shall notify each nonprofit organization of any determination which he makes of its status as an employer and of the effective date of any election which it makes and of any termination of such election and of benefits paid in accordance with such regulations as he may prescribe. Such notice and determination shall be subject to the provisions for review and finality as set out in subdivision (4) of subsection (c) of section 25-4-54.

f. Any nonprofit organization which elects to make payments in lieu of contributions shall pay to the director for the fund such amounts and in such manner and at such time as is set out in sub-

section (b) of this section.

g. When two or more nonprofit organizations, as defined in subdivision (3) of subsection (a) of section 25-4-10, merge or one nonprofit organization is acquired by another such organization, the method of payment for the surviving entity shall be that method elected by such surviving entity under the provisions of this section and in effect at the time of the merger or acquisition. Such method shall remain in effect until such time as it is changed as provided in paragraphs b and c of this subdivision.

(4) a. With respect to employment after December 31, 1971, and prior to January 1, 1978, any hospital or institution of higher education operated by this state or any of its instrumentalities which, pursuant to the provisions of subdivision (7) of section 25-4-8, is or becomes subject to this chapter after December 31, 1971, and prior to January 1, 1978, shall pay to the director for the fund an amount equal to the amount of regular benefits and one-half of the extended benefits paid, that is attributable to service in the employ of such employer to individuals for weeks of unemployment which begin after December 31, 1971, at the rate and in such manner and at such time as was prescribed in subdivision (2) of subsection (b) of this section prior to January 1, 1978. For the purpose of this subdivision, the governing body of any state hospital or institution of higher education may, with the approval of the director, determine the number of individual accounts for the institutions under its authority.

b. With respect to employment after December 31, 1977, any governmental entity as defined in paragraph (a)(2)b of section 25-4-10, electing or required to make payments in lieu of contributions, shall, pursuant to the provisions of subdivision (2) of subsection (b) of this section, pay to the director for the fund an amount which:

1. Prior to January 1, 1979, is equal to the amount of regular benefits and one-half of the extended benefits paid, and

2. After December 31, 1978, is equal to the amount of regular and extended benefits paid and that is attributable to services after December 31, 1977, in the employ of such entity to individuals for weeks of unemployment which begin on or after January 1, 1979.

(5) a. With respect to employment after December 31, 1971, and prior to January 1, 1978, any political subdivision of this state (or any two or more political subdivisions) which elects, under the provisions of section 25-4-131, to become subject to this chapter, shall pay to the director for the fund an amount equal to the amount of regular benefits and prior to January 1, 1979, one half, and thereafter all, of the extended benefits paid, that is attributable

to service in the employ of such employer, to individuals for weeks of unemployment which begin after December 31, 1971, at the rate and in such manner and at such time as was set out in subdivision (2) of subsection (b) of this section prior to January 1, 1978.

b. With respect to employment after December 31, 1977, any governmental entity, other than the state, defined in paragraph (a)(2)b of section 25-4-10, shall pay contributions as provided in subdivision (2) of this section and section 25-4-54, unless the governing body of such entity elects under the provisions of subparagraph 1 of this paragraph b to pay to the director for the fund an amount equal to the amount as is prescribed in subdivision (4) of this subsection, and at the rate and in such manner and at such time as set out in subdivision (2) of subsection (b) of this section.

1. Any governmental entity, other than the state, as defined in paragraph (a)(2)b of section 25-4-10, which becomes subject to this chapter on January 1, 1978, may elect to become liable for payments in lieu of contributions for a period of not less than eight consecutive calendar quarters beginning with January 1, 1978, provided it files with the director a written notice of its election, officially adopted by the governing body of such entity, within the 30-day period immediately following such date. Any such entity which becomes subject to this chapter subsequent to January 1, 1978, may elect to become liable for payments in lieu of contributions for a period of not less than six, ending on the 30th day of September, consecutive quarters by filing with the director a written notice by the governing body of such entity of its election not later than 30 days immediately following the date on which it becomes such an entity. Such election shall remain in effect until the governing body files with the director a written notice terminating its election. Any such termination shall be effective at the end of the calendar year during which such notice is made and its acceptance by the director occurs. Said notice shall be filed not later than the first day of December preceding the effective date of such termination.

2. Any governmental entity which has been paying contributions under this chapter for a period of at least one calendar year subsequent to January 1, 1978, may, effective as of the beginning of any calendar year thereafter, change to a reimbursing basis by filing with the director not later than the first day of December preceding the beginning of such calendar year a written notice by the governing body thereof of its election to become liable for payments in lieu of contributions. Such election shall not be terminable by the governmental entity during that and the next calendar year and may be terminated only at the end of a calendar year.

3. The written notice of election or termination of election of

method of payment shall be accompanied by a certified copy of the minutes of the meeting of the appropriate governing body during which the action to elect or terminate was taken.

(6) a. Any contributions or payments in lieu of contributions which are or may become due to be paid as required by this chapter which are attributable to wages paid by any governmental entity described in paragraph c of subdivision 25-4-10(a)(2) shall, upon termination in any manner or cessation of employment by such entity, be paid by the state comptroller as provided for in paragraph c of subdivision 25-4-10(a)(2).

b. Any contributions or payments in lieu of contributions which are or may become due to be paid as required by this chapter which are attributable to wages paid by any governmental entity described in paragraph d of subdivision 25-4-10(a)(2) shall, upon termination or cessation of employment by such entity, be paid by the political subdivision or subdivisions that allowed or caused the creation of such entity.

(b) Payments in lieu of contributions.—Payments in lieu of contributions shall be made in accordance with the provisions of subdivisions (1) and (2) of this subsection.

(1) Each non-profit organization or group of such organizations which has elected to make payments in lieu of contributions shall at the end of each calendar quarter, or at the end of any other period as the director shall prescribe, pay to the director an amount equal to the full amount of regular benefits plus one-half of the extended benefits paid during such quarter or other prescribed period that is attributable to services in the employ of such organization. Such payments shall be made within 20 calendar days after notice of the amount due is mailed by the director.

(2) Each governmental entity which has elected to make payments in lieu of contributions shall make such payments to the director in an amount representing one of the following:

a. Any entity becoming subject to this chapter effective January 1, 1972, shall pay:

1. For the calendar quarter beginning July 1, 1972, and each succeeding calendar quarter thereafter through and including the quarter ending September 30, 1973, such amount as such employer may estimate to be equal to the amount determined pursuant to paragraph (4)b of subsection (a) of this section but the amount shall not be less than 0.25 percent of its average quarterly payroll (without regard to the limitations specified in section 25-4-16) paid to all employees covered by this chapter in its employ during the calendar year 1971, said payments to be made not later than the tenth day of

the first month of each quarter, and

2. For each calendar quarter during fiscal years beginning on and after October 1, 1973, such percentage of its average quarterly covered payroll for the four-quarter period ending on the immediately preceding June 30, as the director shall determine. Such determination, except as hereinafter provided, shall be based each year on the average quarterly benefit cost during the four-calendar-quarter period ending on the immediately preceding June 30, which is attributable to service in the employ of such entity; provided, however, that for each calendar quarter beginning on or after October 1, 1978, the rate shall be determined on the basis of its average quarterly payroll and benefit costs for the four-calendar-quarter period ending on the immediately preceding December 31.

b. Any entity becoming subject effective January 1, 1978, shall pay:

1. For the calendar quarter beginning July 1, 1978, and each succeeding calendar quarter thereafter through and including the quarter ending September 30, 1979, such amount as such employer may estimate to be equal to the amount determined pursuant to paragraph (a)(4)b of this section but the amount shall not be less than 0.25 percent of its average quarterly payroll (without regard to the limitations specified in section 25-4-16) paid to all employees covered by this chapter in its employ during the calendar year 1977, said payments to be made not later than the tenth day of the first month of each quarter, and

2. In each calendar quarter during fiscal years beginning on and after October 1, 1979, such percentage of its average quarterly covered payroll for the four-quarter period ending on the immediately preceding December 31 as the director shall determine. Such determinations, except as hereinafter provided, shall be based each year on the average quarterly benefit cost during the four-calendar-quarter period ending on the immediately preceding December 31 which is attributable to service in the employ of such entity including benefits paid under the provisions of paragraph (b)(2)c of section 25-4-74.

3. The director shall notify each governmental entity of its rate for the next fiscal year not later than the first day of April preceding such fiscal year.

c. Any governmental entity becoming subject to this chapter, and/or electing to make payments under this subsection, subsequent to January 1, 1978, will make the advance payment as provided in paragraph b of subdivision (2) of this subsection (b) in such amount as is therein provided within the first 10 days of the first month of

the second quarter following the quarter during which the coverage and/or election becomes effective and during the first 10 days of each calendar quarter thereafter until the first day of October of the calendar year next following the calendar year during which such election became effective. Thereafter, the rate of such payment shall be computed as provided in subparagraph b 2 of this subdivision.

d. For any governmental entity which did not pay wages throughout the periods specified in paragraphs a and b, respectively, of this subdivision (2), the average quarterly covered payroll shall be as determined by the director based on that portion of such periods during which wages were paid.

(3) When a rate of payments in lieu of contributions has been set by the director for any one-year period as is provided by this subsection (b) nothing herein shall be construed as preventing the director from modifying the percentage thereafter payable by a government entity, for such entity, from the rate set in order to minimize excess or insufficient payments. In making such modification the director shall consider factors such as current benefit cost ratio and current benefit costs as may be effected by an increase or decrease in state or federal funding, reorganization of the entity, increase or decrease in the number of employees and general economic conditions which directly or indirectly affect benefit costs attributable to any entity. Any modification so made shall become effective the first day of the calendar quarter next following a notice to the employer of such modification at least ten days prior thereto.

(4) At the end of each one-year period for which a rate for payments in lieu of contributions has been set, the director shall determine whether the total of payments for such year made by any employer is less than, or in excess of, the total amount of regular benefits plus such amount of extended benefits as is required by this section to be charged to such employer paid to individuals during such year based on wages attributable to service in the employ of such employer. Each such employer whose total payments for such year are less than the amount so determined shall be liable for payment of the unpaid balance to the fund in accordance with this subsection. If the total payments are in excess of the amount so determined for the specified one-year period, all or a part of the excess may, at the discretion of the director, be refunded from the fund or retained in the fund as part of the payments which may be required for the next such year. Any payments due to be made under this subdivision (4) shall be made not later than 20 days after the date on which the director shall mail to the employer notice of the amount.

(5) Payments made by any organization under the provisions

of this subsection shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of such organizations.

(6) Any other provisions of law notwithstanding, payments in lieu of contributions as provided by this subsection shall be:

a. Subject to the same penalties, collection and enforcement proceedings and provisions for hearing and review, extensions, refunds and protections that pursuant to sections 25-4-54, 25-4-132 through 25-4-138 and 25-4-145 apply to contributions, and

b. 1. Should any amounts due from any component or instrumentality of this state remain due and unpaid for a period of 90 days after the due date, the state comptroller shall take such action as is necessary to collect such amounts and is hereby authorized and required to levy against any funds due such component or instrumentality by any other department, agency or official of the state or against any bank account established in any bank whether or not in this state. Such department, agency or official shall deduct such amounts as are certified by the comptroller from any accounts or deposits or any funds due such delinquent component or instrumentality without regard to any prior claim and promptly forward such amounts to the comptroller.

2. Should any amounts due from any governmental entity of any county, municipality or any instrumentality thereof, as defined in paragraph (a)(2)b of section 25-4-10, remain due and unpaid for a period of 120 days after the due date, the director shall take such action as is necessary to collect such amounts and is hereby authorized and required to levy against any funds due such governmental entity by the state treasurer, comptroller, commissioner of revenue or any other official or agency of this state or against any bank account established in any bank. Such officials, agency or bank shall deduct such amounts as are certified by the director from any accounts or deposits with or any funds due such delinquent governmental entity without regard to any prior claim and promptly forward such amounts to the director for the fund; provided, however, that the director shall notify the delinquent entity of his intent to file such levy by certified mail at least 10 days prior to filing of a levy on any funds due the entity by any state official or agency.

(7) Any nonprofit organization which elects to become liable for payments in lieu of contributions shall, in addition to making such payments, be required within 30 days after the date the director mails notice of his approval of its election, to execute and file with the director a surety bond, or a cash deposit in lieu thereof, as approved by the director. For the purpose of this subdivision, a surety bond is a bond of surety issued by an organization licensed

and authorized to issue such bond in this state. The amount of the surety bond or cash deposit required by this subdivision (7) shall be an amount as determined by the director based on a percentage (not higher than the maximum percentage provided by section 25-4-54) of the organization's covered payroll as defined in this chapter for the four calendar quarters immediately preceding the effective date of the election, or the renewal date in case of a bond, or the biennial anniversary in the case of a cash deposit, whichever date shall be most recent and applicable. For any such organization which did not pay wages throughout each of four such calendar quarters the amount of the bond or deposit shall be as determined by the director.

a. Any surety bond deposited under this subdivision (7) shall be in force for a period of not less than two full calendar years and shall be renewed not less frequently than at two-year intervals as long as the organization continues to be liable for payments in lieu of contributions. The director shall require adjustments to be made in a previously filed bond as he deems appropriate. If the bond is to be increased, the adjusted bond shall be filed by the organization within 30 days of the date notice of such adjustment was mailed or otherwise delivered to it. Failure of any organization covered by such bond to pay the full amount of payments in lieu of contributions when due, together with any applicable interest and penalties as provided by this chapter, shall render the surety liable on said bond to the extent of the bond, as though the surety was such organization.

b. Any deposit of money in accordance with this subdivision (7) shall be retained by the director in an escrow account until liability under the election is terminated, at which time it shall be returned to the organization, less any deductions as hereinafter provided. The director may deduct from the money deposited under this subdivision (7) by any organization to the extent necessary to satisfy any due and unpaid payments in lieu of contributions and any applicable interest and penalty. The director shall require the organization within 30 days following any deduction from a money deposit under the provisions of this subdivision (7) to deposit sufficient additional monies to make whole the organization's deposit at the prior level. The director may, at any time, review the adequacy of the deposit made by any organization. If, as a result of such review, he determines that an adjustment is necessary, he shall require the organization to make an additional deposit within 30 days of written notice of his determination or shall return to it such portion of the deposit as he no longer considers necessary whichever action is appropriate.

c. If any organization subject to the provisions of this section

fails to file a surety bond or make a cash deposit or to file a surety bond in an increased amount or to increase or make whole the amount of a previously made cash deposit, or fails to pay before the delinquency date any payments due together with any accumulated interest and penalty as provided by this chapter, the director may terminate such organization's election to make payments in lieu of contributions effective as of the end of any calendar quarter and such termination shall continue for not less than two consecutive calendar years; provided, that the director may extend for good cause the posting of a cash deposit, the filing of a surety bond or the extension of an adjustment period by not more than 30 days.

(8) If benefits paid to an individual are based on wages paid by two or more employers, the amount of benefits payable by an organization required to or electing to make payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wages paid by such employer to the individual and used for the payment of benefits bears to the total base period wages paid to the individual by all his base period employers and used for payment of benefits.

The other provisions of this subsection notwithstanding, no such employer shall be required to reimburse the fund for any portion of the benefits paid to any individual whose benefits which are attributable to public service wages funded under the Comprehensive Employment and Training Act of 1973, as amended, after December 31, 1975, to the extent that such benefits are reimbursed to the fund by the federal government under the provisions of section 220 of the Emergency Jobs Program Extension Act of 1976 (P.L. 94-444).

(9) Two or more employers that have elected to make payments in lieu of contributions in accordance with the provisions of this section may file a joint application to the director for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such organizations. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this subsection. Upon his approval of the application, the director shall establish a group account for such employers effective as of the beginning of the calendar quarter next following the quarter in which he received such application, and shall notify the group's representative of the effective date of the account. Such group account shall remain in effect for not less than eight calendar quarters and thereafter until terminated at the discretion of the director or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contribu-

tions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for services in employment by such member in such quarter bears to the total wages paid during such quarter for service performed in the employ of all members of the group. The director shall prescribe such regulations as he deems necessary with respect to applications for establishment, maintenance and termination of group accounts that are authorized by this subdivision (9), for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this subdivision by members of a group and the time and manner of such payments.

(10) Notwithstanding any other provisions of this chapter, any employer who was liable for payments in lieu of contributions for the period immediately preceding the effective date of termination of its coverage pursuant to section 25-4-130 shall nevertheless continue to be liable to pay to the director for the fund the amount of regular benefits and extended benefits paid, as required by this chapter, that is attributable to service in the employ of such employer prior to the effective date of such termination, to individuals for weeks of unemployment which begin on or after such effective date. Such payments to the director shall be made at such times and in such manner as the director shall prescribe and the director shall continue to require payments in lieu of contributions and surety in such amounts and for such period as he may deem necessary to insure restoration to the fund of the amount of such regular and extended benefits."

Section 5. Section 25-4-52, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-52. Contributions by employees.—

(a) For each calendar year, when the unemployment trust fund is greater than the minimum normal amount for the fiscal year beginning on October 1, next preceding, as computed under the provisions of subsection (g) of section 25-4-54, no contribution shall be made by any employee.

(b) For each calendar year, when the unemployment trust fund is less than the minimum normal amount for the fiscal year beginning on October 1 next preceding, as computed under the provisions of subsection (g) of section 25-4-54, each employee employed by an employer subject to this chapter shall, except as provided by paragraph (4)c of subsection 25-4-54(g), contribute to the fund 0.5 percent of the wages for employment paid to him after the date as of which the conditions determining that his employer is subject to

this chapter have been fulfilled; except:

(1) No employee shall be required to pay contributions on that part of his wages which are not included in the definition of "wages" as prescribed in section 25-4-16. If by reason of an employee rendering service for more than one employer during any calendar year, the wages of the employee with respect to employment during such year exceed the amount set out in section 25-4-16, the employee shall be entitled to a refund of any amount of contribution with respect to such wages, imposed by this chapter, deducted from such wages and paid to the fund, which exceeds the contribution with respect to the amount of wages set out in this subdivision (1).

(2) No employee shall be required to pay contributions on any wages paid to him for employment as defined in subdivisions (a) (2) and (a) (3) of section 25-4-10 if such wages could become the basis for payment of benefits for which his employer would be required or has elected to reimburse the fund by means of payments in lieu of contributions pursuant to subdivisions (a) (2), (a) (3) and (a) (4) of section 25-4-51."

Section 6. Section 25-4-54, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-54. Contribution rates for employers chargeable with benefit wages.—

(a) Determination of contribution rates.—

(1) For the 12-month period beginning on January 1, of each year, any employer whose employment record has been chargeable with benefit wages throughout at least the fiscal year, as defined in section 25-4-4, immediately preceding such January 1, shall have his rate determined by the unemployment compensation fund's maximum liability for benefits to his employees who have been paid benefits, modified by the state experience as of the most recent December 31, as to average duration of benefit payments as provided in this section. The employment record of an organization which has been making payments in lieu of contributions but which elects to change to payment of contributions shall be deemed to have been chargeable with benefit wages throughout the period with respect to which it was making payments in lieu of contributions and its benefit wages and payrolls for such period shall be used in computing its benefit wage percentage pursuant to subsection (d) of this section.

(2) If the director finds that an employer's business is closed solely because of the entrance of one or more of the owners, officers, partners or the major stockholders into the armed forces of the United States, or any of its allies, after July 1, 1950, such employer's

experience rating account shall not be terminated, and, if the business is resumed within two years after the discharge or release from active duty in the armed forces of such person or persons, the employer's experience shall be deemed to have been continuous throughout such period. The benefit wage percentage of any such employer for the fiscal year in which he resumes business and the three fiscal years immediately following shall be a percentage equal to the total of his benefit wages (including any benefit wages resulting from the payment of benefits to any individual during the period the employer was in the armed forces, based upon wages paid by him prior to his entrance into such forces) for the three most recent fiscal years divided by that part of his total payroll with respect to which contributions have been paid for the three most recent fiscal years during the whole of which, respectively, such employer has been in business. This provision does not authorize cash refunds. Any adjustments required hereunder shall be only by credit certificates.

(b) Determination of employee benefit wages.—The employee's benefit wages shall be determined as follows:

(1) When, prior to October 1, 1983, for any benefit year an employee is paid benefits in a total amount equal to or exceeding the amount of benefits payable to him for three weeks of total unemployment, his wages during his base period shall be employee's benefit wages. After September 30, 1983, when an employee is paid benefits in a total amount equal to or exceeding the amount of benefits payable to him for one week of total unemployment his wages during his base period shall be employee's benefit wages. When, prior to October 1, 1983, an employee has been paid benefits, but not in an amount equal to or greater than three times his weekly benefit amount, his wages will become benefit wages on the date he is paid benefits after September 30, 1983, provided the amount paid before and after this date equals or exceeds his weekly benefit amount.

(2) Except, that wages paid to an employee during his base period for part-time employment by an employer who continues to give the employee employment to the same extent while he is receiving benefits as he did during his base period shall not be determined to be employee's benefit wages. The employer shall establish the continuation of work to the satisfaction of the director by submitting such information as the director may require within the time required by other provisions of this chapter after the date of notification or mailing of notice by the director that the employee has first filed a claim for benefits.

(3) As to any employee who is a "maritime worker," benefit wages of such employee during a base period as determined under

subdivision (b) (1) of this section, exclusive of any benefit wages based on wages in excess of the amount set forth in section 25-4-16 paid to such employee during such base period by any one employer, shall be multiplied by a fraction, the numerator of which is his average quarterly earnings (as defined in subsection (c) of section 25-4-76) in his base period and the denominator of which is his highest earnings of any quarter in his base period. The result shall be employee's benefit wages of such "maritime worker."

(4) When, in the determination of any employee's benefit wages, wages have been included once in any employee's benefit wages for one benefit year or in any employee's wages for one base period, such wages shall not thereafter be included again in his benefit wages for any other benefit year or in his wages for any other base period respectively.

(5) In computing an employee's benefit wages, no wages in excess of the amount defined as "wages" in section 25-4-16 paid to him in his base period by any one employer, shall be deemed benefit wages. It is the intent of this provision that no one employer be charged with benefit wages in excess of such amount defined in section 25-4-16 because of the receipt of benefits in a benefit year by one of his workers or former workers.

(c) Determination of employer benefit wages.—

(1) An employer's benefit wages for each and every fiscal year shall be the total of the benefit wages received from him by all of his employees or former employees which became employee's benefit wages in such fiscal year.

(2) The director shall analyze the benefit payments in, and the employee and employer benefit wages for, each fiscal year and determine each employer's benefit wages for each fiscal year.

(3) Notwithstanding any inconsistent provisions of this chapter, if, after the last day of any claimant's benefit year but within the 60 days next following thereafter or within 60 days next following notice to the employer of benefit wage charges were made as a consequence of such claimant's receipt of benefits, whichever is the later, an employer for whom benefit wage charges were made as a consequence of such claimant's receipt of benefits files a written notice in such manner as the director shall prescribe stating that he had reemployed such claimant within the claimant's benefit year, and the director finds that such employee received in benefits a total amount aggregating not more than 25 percent of the maximum benefit payments to which he was entitled within such benefit year, because of such reemployment, the employer's benefit wage record shall be credited with 75 percent of the benefit wages previously

charged against him relating to such claimant's previous employment; or, if the director finds that such employee received in benefits an amount aggregating more than 25 percent but not more than 50 percent of the maximum benefits to which he was entitled within such benefit year, because of such reemployment, the employer's benefit wage record shall be credited with 50 percent of the benefit wages previously charged against him relating to such claimant's previous employment; or, if the director finds that such employee received in benefits a total amount aggregating more than 50 percent but not more than 75 percent of the maximum benefits to which he was entitled within such benefit year, because of such reemployment, the employer's benefit wage record shall be credited with 25 percent of the benefit wages previously charged against him relating to such claimant's previous employment; provided, however, that such credits shall be made for the fiscal year and the calendar quarter in which the finding is made by the director and no attempt shall be made to relate such credits to the period in which the rehiring occurred. For the purpose of this subdivision (3), "reemployment" shall mean performing services for remuneration.

(4) The director shall, after the close of each calendar quarter, furnish each employer with a statement of the wages of his workers, or former workers, which became his benefit wages in that calendar quarter, together with the names of such workers, or former workers, and such statement, in the absence of an application for a revision thereof within 90 days of the mailing of such statement to the employer's last known address, shall be conclusive and final upon the employer for all purposes and in all proceedings whatsoever. Such application for revision shall be in the form and manner prescribed by regulation of the director. Upon receipt of, within the time allowed, an application for revision of such statement, the director shall allow such application in whole or in part, or shall deny such application and shall serve notice upon the employer of such decision. Such decision of the director shall be final and conclusive on the employer at the expiration of 30 days from the date of service of such notice, unless the employer shall within the said 30-day period file with the director a written protest and a petition for hearing, specifying his objections thereto. Upon receipt of such petition the director shall fix a time and place for a hearing and shall notify the employer thereof. At any hearing held as herein provided, the decision of the director shall be prima facie correct, and the burden shall be upon the protesting employer to prove it is incorrect. No employer shall have the right to object to the benefit wages with respect to any worker as shown on such statement, unless he shall first show that such benefit wages arose as a result of benefits paid to such worker in accordance with a determination, or a redetermination, to which such employer was a party entitled to notice thereof,

as provided by article 5 of this chapter, and shall further show that he was not notified of such determination or redetermination in accordance with the requirements of said article 5 of this chapter. Nothing herein contained shall affect the right of any employer at such hearing to object to such statement of benefit wages on the ground that it is incorrect by reason of a clerical error made by the director or any of his employees. The employer shall be promptly notified by mail of the director's decision. Such decision shall be final and conclusive unless an appeal is taken therefrom in the manner and within the time prescribed in subsection (h) of this section.

(5) Nothing contained in subdivision (4) of this subsection (c) shall be construed as limiting or affecting in any manner the right and authority of the director to remove benefit wage charges from any employer's account upon discovering or being aware of any such employer's workers or former workers having drawn benefits by reason of false representations of their earnings while filing claims for benefits.

(d) Determination of employer benefit wage percentage.—The benefit wage percentage of each employer who qualifies for a rate determination under subdivision (a) (1) of this section and has been chargeable with benefit wages throughout the three most recent preceding fiscal years shall be a percentage obtained by dividing the total of his benefit wages for such period by that part of his total taxable payroll for the same period with respect to which contributions have been paid on or before October 31, next following such period, and the benefit wage percentage of each employer who qualifies for a rate determination under subdivision (a) (1) of this section, but who has not been subject to this chapter for a period of time sufficient to have been chargeable with benefit wages throughout the three most recent preceding fiscal years, shall be a percentage obtained by dividing the total of his benefit wages for the period throughout which he has been chargeable, such period to be not less than the most recent preceding fiscal year, by that part of his total taxable payroll for the same period with respect to which contributions have been paid on or before October 31 next following such period. The percentage thus derived shall be used in determining each employer's contribution rate as prescribed in subsection (a) of this section for the next calendar year.

(e) Determination of state experience factor.—From the total amount of benefits paid from the unemployment compensation trust fund during each fiscal year there shall be subtracted all amounts credited to the fund during each such fiscal year other than employer's and employees' contributions and money credited to this state's account in the unemployment compensation trust fund pursuant to section 903 of the Social Security Act, as amended, and the

remainder shall be termed the "amount required for the fund" for each such fiscal year. The "state experience factor" for each calendar year shall be a percentage determined by adding to the percentage derived by dividing the total of the amounts required for the fund for the three most recent fiscal years by the statewide total of benefit wages of all employers for the three most recent fiscal years, a factor of an additional 5 percentage points, and by adjusting to the next highest multiple of one percent. The state experience factor shall be determined annually prior to December 15 of the calendar year for which the determination is made.

(f) Notice of contribution rate, etc.; maximum rate.—The contribution rates for each employer, as provided in subsection (a) of this section, shall be determined by the director and the director shall notify each employer of the state experience factor, his benefit wage percentage, and his contribution rate within 30 days after the effective date of such rate. Except as provided in paragraph (4) b of subsection (g) of this section, such employer contribution rate for tax rate year beginning January 1, 1984 shall be determined from the first 16 columns (and for tax rate years beginning on or after January 1, 1985, all columns) of the following table and shall be the rate appearing at the bottom of the lowest numbered column in which there appears, on the same horizontal line in which is found in the column headed "state experience factor," the state experience factor for the then calendar year, a percentage equal to or in excess of such employer's benefit wage percentage for the then calendar year.

H. 11

25-4-54(f) Col.1 Col.2 Col.3 Col.4 Col.5 25-4-54(f)
Col.6

State
Experience
Factor

Employer's Benefit Wage Percentage

		50.00%	75.00%	100.00%	125.00%	150.00%	175.00%
1 %		50.00%	75.00%	100.00%	125.00%	150.00%	175.00%
2		25.00	37.50	50.00	62.50	75.00	87.50
3		16.75	25.00	33.25	41.50	50.00	58.25
4		12.50	18.75	25.00	31.25	37.50	43.75
5		10.00	15.00	20.00	25.50	30.00	35.00
6		8.25	12.50	16.75	20.75	25.00	29.25
7		7.25	10.75	14.25	17.75	21.50	25.00
8		6.25	9.50	12.50	15.75	18.75	22.00
9		5.50	8.25	11.00	14.00	16.75	19.50
10		5.00	7.50	10.00	12.50	15.00	17.50
11		4.50	6.75	9.00	11.25	13.75	16.00
12		4.25	6.25	8.25	10.50	12.50	14.50
13		3.75	5.75	7.75	9.50	11.50	13.50
14		3.50	5.25	7.00	9.00	10.75	12.50
15		3.25	5.00	6.75	8.25	10.00	11.75
16		3.25	4.75	6.25	7.75	9.25	11.00
17		3.00	4.50	6.00	7.25	8.75	10.25
18		2.75	4.25	5.50	7.00	8.25	9.75
19		2.75	4.00	5.25	6.50	8.00	9.25
20		2.50	3.75	5.00	6.25	7.50	8.75
21		2.50	3.50	4.75	6.00	7.00	8.25
22		2.25	3.50	4.50	5.75	6.75	8.00
23		2.25	3.25	4.25	5.50	6.50	7.50
24		2.00	3.25	4.25	5.25	6.25	7.25
25		2.00	3.00	4.00	5.00	6.00	7.00
26		2.00	3.00	3.75	4.75	5.75	6.75
27		1.75	2.75	3.75	4.75	5.50	6.50
28		1.75	2.75	3.50	4.50	5.25	6.25
29		1.75	2.50	3.50	4.25	5.25	6.00
30		1.75	2.50	3.25	4.25	5.00	5.75
31		1.50	2.50	3.25	4.00	4.75	5.75
32		1.50	2.25	3.00	4.00	4.75	5.50
33		1.50	2.25	3.00	3.75	4.50	5.25
34		1.50	2.25	3.00	3.75	4.50	5.25
35 or More....		1.50	2.25	3.00	3.50	4.25	5.00

Employer's
Contribution
Rate

.5 .75 1.00 1.25 1.50 1.75

H. 11

25-4-54(f)	Col.7	Col.8	Col.9	Col.10	Col.11	25-4-54(f) Col.12
State Experience Factor	Employer's Benefit Wage Percentage					
1%	200.00%	225.00%	250.00%	270.00%	300.00%	330.00%
2	100.00	112.50	125.00	135.00	150.00	165.00
3	66.75	75.00	83.25	90.00	100.00	110.00
4	50.00	56.25	62.50	69.50	75.00	82.50
5	40.00	45.00	50.00	54.00	60.00	66.00
6	33.25	37.50	41.75	45.00	50.00	55.00
7	28.50	32.00	35.75	38.50	42.75	47.00
8	25.00	28.00	31.25	33.75	37.50	41.25
9	22.25	25.00	27.75	30.00	33.25	36.75
10	20.00	22.50	25.00	27.00	30.00	33.00
11	18.25	20.50	22.75	24.50	27.25	30.00
12	16.75	18.75	20.75	22.50	25.00	27.50
13	15.50	17.25	19.25	20.75	23.00	25.50
14	14.25	16.00	17.75	19.25	21.50	23.50
15	13.25	15.00	16.75	18.00	20.00	22.00
16	12.50	14.00	15.75	16.75	18.75	20.50
17	11.75	13.25	14.75	16.00	17.75	19.50
18	11.00	12.50	14.00	15.00	16.75	18.25
19	10.50	11.75	13.00	14.25	15.75	17.25
20	10.00	11.25	12.50	13.50	15.00	16.50
21	9.50	10.75	12.00	12.75	14.25	15.75
22	9.00	10.25	11.25	12.25	13.75	15.00
23	8.75	9.75	10.75	11.75	13.00	14.25
24	8.25	9.50	10.50	11.25	12.50	13.75
25	8.00	9.00	10.00	10.75	12.00	13.25
26	7.75	8.75	9.50	10.50	11.50	12.75
27	7.50	8.25	9.25	10.00	11.00	12.25
28	7.00	8.00	9.00	9.75	10.75	11.75
29	7.00	7.75	8.50	9.25	10.25	11.25
30	6.75	7.50	8.25	9.00	10.00	11.00
31	6.50	7.25	8.00	8.75	9.75	10.75
32	6.25	7.00	7.75	8.50	9.50	10.25
33	6.00	6.75	7.50	8.25	9.00	10.00
34	6.00	6.50	7.25	8.00	8.75	9.75
35 or More....	5.75	6.50	7.25	7.75	8.50	9.50
Employer's Contribution Rate	2.00	2.25	2.50	2.70	3.00	3.30

		H. 11				
25-4-54(f)		Col.13	Col.14	Col.15	Col.16	25-4-54(f) Col.17
State Experience Factor		Employer's Benefit Wage Percentage				
1%		360.00%	400.00%	450.00%	500.00%	
2		180.00	200.00	225.00	250.00	
3		120.00	133.25	150.00	166.75	
4		90.00	100.00	112.50	125.00	
5		72.00	80.00	90.00	100.00	
6		60.00	66.75	75.00	83.25	
7		51.50	57.25	64.25	71.50	
8		45.00	50.00	56.25	62.50	
9		40.00	44.50	50.00	55.50	
10		36.00	40.00	45.00	50.00	
11		32.75	36.25	41.00	45.50	
12		30.00	33.25	37.50	41.75	
13		27.75	30.75	34.50	38.50	
14		25.75	28.50	32.25	35.75	
15		24.00	26.75	30.00	33.25	
16		22.50	25.00	28.00	31.25	
17		21.25	23.50	26.50	29.50	
18		20.00	22.25	25.00	27.75	
19		19.00	21.00	23.75	26.25	
20		18.00	20.00	22.50	25.00	
21		17.25	19.00	21.50	23.75	
22		16.25	18.25	20.50	22.75	
23		15.75	17.50	19.50	21.75	
24		15.00	16.75	18.75	20.75	
25		14.50	16.00	18.00	20.00	
26		13.75	15.50	17.25	19.25	
27		13.25	14.75	16.75	18.50	
28		12.75	14.25	16.00	17.75	
29		12.50	13.75	15.50	17.25	
30		12.00	13.25	15.00	16.75	
31		11.50	13.00	14.50	16.25	
32		11.25	12.50	14.00	15.50	
33		11.00	12.00	13.75	15.25	
34		10.50	11.75	13.25	14.75	
35 or More....		10.25	11.50	12.75	14.25	5.40
Employer's Contribution Rate		3.60				

(g) Increase or decrease of contribution rate.—Contribution rates for each employer, and his employees when required by the provision of section 25-4-52 and subdivision (4) of this subsection, determined pursuant to subsection (f) of this section, shall nevertheless be subject to increase as hereinafter provided.

(1) The “benefits payroll ratio” of the state for each fiscal year shall be determined by dividing the total of benefits paid, including the state’s portion of benefits paid under any extended benefit program, from the unemployment compensation fund within the preceding fiscal year, less any benefits paid for which payments in lieu of contributions have been paid or are currently due to be paid, by the state wide total of taxable payrolls of all employers upon which contributions have been paid during the same fiscal year, and by adjusting the quotient to the nearest multiple of one-thousandth.

(2) The “minimum normal amount” of the unemployment compensation fund for each fiscal year shall be one and one-half times the amount determined by multiplying the highest statewide total of taxable payrolls of all employers upon which contributions have been paid during any one of the three most recent preceding fiscal years by the highest benefits payroll ratio for any one of the 10 most recent preceding fiscal years.

(3) Whenever, at the end of any fiscal year, the fund is greater than the minimum normal amount for the next following fiscal year, the director shall on or before December 1, next following, so declare, and, effective for the 12-month period beginning with January 1, of the immediately succeeding calendar year, the contribution rates for each employer shall be determined by the director as provided in subsection (f) of this section on the basis of each employer’s benefit wage percentage computed for the said immediately succeeding calendar year and the state experience factor as determined for the said immediately succeeding calendar year as provided in subsection (e) of this section.

(4) a. If at the end of any fiscal year the fund is less than the minimum normal amount for the next following fiscal year, the director shall on or before the December 1, next following, so declare. To be effective for the 12-month period beginning with January 1, of the immediately succeeding calendar year, the contribution rates for employer shall be determined by the director from the table in subsection (f) of this section on the basis of each employer’s benefit wage percentage determined for the said immediately succeeding calendar year and an increased state experience factor to be computed by multiplying the state experience factor for the said immediately succeeding year by two. In computing rates for calendar year beginning January 1, 1984, under this subsection the first 16 col-

umns (and for calendar years beginning January 1, 1985, and thereafter, all columns) in the table in subsection (f) of this section shall be used. If no percentage equal to or in excess of such benefit wage percentage appears on said horizontal line, the employer's contribution rate shall be five percent (5.0 percent) for the calendar year beginning January 1, 1984, and five and four-tenths percent (5.4 percent) for calendar years beginning January 1, 1985 and thereafter.

b. 1. Notwithstanding any inconsistent provisions of this section, to the rates of contribution as determined by using the table in subsection (f) of this section there shall be added to such rate an emergency surcharge of 25% of the determined rate, adjusted to the next nearest even one-tenth percent, beginning January 1, 1983. It is provided, however, that by the application of the surcharge no employer's rate shall be increased more than seven-tenth of one percent (0.7 percent). Such surcharge shall remain in effect until the January 1 next following the end of any fiscal year at the end of which the balance in the state's unemployment trust fund is an amount equal to, or in excess of, seventy-five percent (75.0 percent) of the minimum normal amount, computed under the provisions of subdivision (2) of this subsection (g) for such fiscal year.

2. Subsequent to the termination of the emergency surcharge, as provided in subparagraph 1. of this paragraph b., there shall be, effective for any calendar year thereafter which begins not less than one year after the preceding termination, the surcharge, if at the end of any fiscal year immediately prior thereto there is a trust fund balance of less than seventy-five percent (75 percent) of the balance required to equal the minimum normal amount and shall thereafter terminate under the conditions prescribed in subparagraph 1. of this paragraph b.

c. When the state experience factor is required to be multiplied by two, as heretofore provided, each employee employed by an employer subject to this chapter shall, except as provided in section 25-4-52, contribute to the fund throughout the next immediately succeeding calendar year, and effective with wages for employment paid to him on or after the first day of such calendar year, at the rate of 0.5 percent (one-half of one percent). It is provided, however, that, in lieu of the rate provided in this paragraph c., for the period beginning January 1, 1983, and subject to the further provisions of this paragraph c, for each calendar year thereafter, the rate of contribution by the employee shall be 1.0 percent (one percent). The additional rate of contribution provided for herein shall end on the first January 1, next following the end of any fiscal year at the end of which the balance in the state's trust fund is at least seventy-five percent (75.0 percent) of the minimum normal amount as computed

under the provisions of subdivision (2) of this subsection (g) for such fiscal year. Thereafter, the provisions of this paragraph c and section 25-4-52 to the contrary notwithstanding, there shall be no employee contributions made under this chapter for any calendar year.

(5) Any amount credited to this state's account under section 903 of the Social Security Act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund, shall be included in the trust fund balance in determining whether or not such fund is greater or less than the minimum normal amount for a fiscal year.

(6) The director shall notify each employer of such declaration and change in state experience factor and of his benefit wage percentage and his contribution rate within 30 days after each such January 1, and, when contributions are required of employees under the provisions of this section, notice of such requirement shall be given the employer not later than 10 days prior to the effective date of such contributions. This subdivision (6) shall not apply to employers who in lieu of contributions, reimburse the fund for benefits paid.

(h) Review of contribution rate, etc. - Any employer may apply to the director for and shall be entitled to a review as to the determination of his benefit wage percentage and his contribution rate as fixed by his benefit wage percentage, provided such application is filed within 30 days of the date of the mailing by the director to the employer of the notice of such determination. Pending such review such employer shall, when required by subsection (g) of this section, withhold and transmit employee contributions and make all contribution payments otherwise required by this chapter at contribution rates fixed by the determination sought to be reviewed and resulting overpayments or underpayments of contributions by the employer shall, upon any redetermination, be adjusted or refunded pursuant to section 25-4-137. Any employer may within 30 days after the date of mailing by the director to such employer of notice of the ruling of the director upon such application for review appeal such ruling to the circuit court of any county wherein the employer is engaged in doing business, upon such terms and upon giving such security for costs as the court may upon application prescribe. Trial in that court shall be de novo with respect to his benefit wage percentage.

(i) Contribution rate, etc., of successor employer. - For the purpose of this section, an employer's benefit wages and that part of his taxable payroll with respect to which contributions have been paid, shall be deemed benefit wages and taxable payrolls of a successor employer and shall be taken into account in determining the

contribution rate of such successor employer as provided in subsection (f) of this section, if such successor succeeds the employer in any of the manners set out in paragraph (a) (4) a of section 25-4-8; provided, that an employer subject to this chapter who becomes such in any of the manners set out in paragraph (a) (4) b of section 25-4-8 may have that portion of his predecessor's benefit wages and that part of his predecessor's total taxable payroll, with respect to which contributions have been paid which correspond to the segregable portion of the business assets and payroll thereof, acquired from his predecessor, deemed to be his benefit wages and his payroll and such shall be taken into account in determining his rates, as provided is subsection (f) of this section; provided, that he:

(1) makes written application within 90 calendar days from the date of such acquisition; and

(2) furnishes to the director within 120 calendar days from the date of such acquisition a transcript of such total and taxable payrolls which correspond to the segregable portion acquired from his predecessor; provided further that in the event that within the intervening 120 days a notice of his rate of contribution has been mailed to the partial successor, the 30-day finality provision set forth subsection (h) of this section shall not prevail but, instead, be effective with respect to the subsequent notice computed on the bases of the benefit wages and taxable payrolls of the acquired segregable portion."

Section 7. Section 25-4-70, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-70. Accrual; time and manner of payment.

(a) After contributions have been due under this chapter for two years, benefits shall become payable from the fund to any employee who thereafter is or becomes unemployed and eligible for benefits, and shall be paid through unemployment offices or such other agencies at such times and in such manner as the director may prescribe.

(b) Benefits based on service in employment defined in subdivisions (a) (2) and (a) (3) of section 25-4-10 shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this chapter; except, that:

(1) With respect to any week of unemployment beginning after December 31, 1977, benefits shall not be paid based on service in an instructional, research, or principal administrative capacity for any educational institution for any such week commencing during the period between two successive academic years, or during a simi-

lar period between two regular terms, whether or not successive, or during a period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms.

(2) With respect to any week of unemployment beginning after April 3, 1983, benefits shall not be paid on the basis of service in any other capacity for an educational institution, to any individual for any such week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms, except that if compensation is denied to any individual under this subdivision (2) for weeks of unemployment beginning on or after April 3, 1983 and such individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this subdivision (2); provided further that such individual has given notice that the opportunity to return was not offered or was withdrawn to the director in such manner and within such time as the director by regulation shall prescribe.

(3) With respect to weeks of unemployment beginning before April 3, 1983, benefits shall be paid on the basis of this section prior to that date.

(4) For the purposes of subdivision (1) of this subsection, the term "reasonable assurance" means a written, verbal or implied agreement that the employee will perform services during the ensuing academic year or term and the term "contract" is intended to include tenure status."

Section 8. Section 25-4-72, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-72. Individual weekly benefit amount.

(a) For weeks of unemployment during benefit years which begin before the effective date of subsection (b) of this section, an individual's weekly benefit amount shall be as prescribed by this section as amended through May 1975.

(b) For weeks of unemployment during benefit years begin-

ning on or after the first Sunday of the first calendar quarter which begins not less than 90 days following the effective date of this act, an individual's weekly benefit amount shall be an amount equal to one twenty-fourth of the total wages for insured work paid to him during that quarter of his base period in which such total wages were the highest; except, that:

(1) If the amount thus derived is not a multiple of \$1.00, fractional parts of \$1.00 in excess of \$.50 shall be rounded to the next higher multiple of \$1.00 and fractional parts of \$1.00 which are \$.50 or less shall be dropped to the next lower multiple of \$1.00.

(2) If the amount derived before the application of subdivision (1) of this subsection (b) is not in excess of \$21.50, there shall be no weekly benefit amount.

(3) If the amount thus derived is more than \$119.50, the weekly benefit amount shall be \$120.00.

(c) If, as a condition for approval of this section for full tax credit against the tax imposed by the Federal Unemployment Tax Act, federal law should require a greater maximum weekly benefit amount than that provided herein, then the maximum weekly benefit amount shall be the minimum required by any such federal law for such approval.

(d) Nothing herein shall serve to deprive any individual of any benefit for which he had qualified in any benefit year beginning prior to the effective date of the provisions of subsection (b) of this section."

Section 9. Section 25-4-73, Code of Alabama 1975, as last amended is hereby amended to read:

"§ 25-4-73. Individual weekly benefit payment.

(a) Each eligible individual who is totally unemployed or partially unemployed in any week beginning on or after July 3, 1983 shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount, less that part of the wages, if any, payable to him with respect to such week which is in excess of \$15.00. Such benefit, if not a multiple of \$1.00, shall be computed to the nearest multiple of \$1.00.

(b) With respect to weeks beginning prior to July 3, 1983, each eligible individual shall be paid with respect to such week as was provided in this section prior to such date."

Section 10. Section 25-4-74, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-74. Maximum individual benefit entitlement during

benefit year.

(a) Any otherwise eligible individual shall be entitled during any benefit year, beginning on or after July 3, 1983, to a total amount of benefits equal to whichever is the lesser of 26 times his weekly benefit amount and one third of the wages paid to him for insured work during his base period; provided, that such total amounts of benefits, if not a multiple of \$1.00, shall be computed to the nearest multiple of \$1.00. For the purpose of this article, wages shall be counted as "wages for insured work" with respect to any benefit year only if such wages were paid in the base period immediately preceding such benefit year; except, that any lump sum payment of wages in lieu of notice, dismissal or severance allowance or "back pay" award shall be prorated over a period or periods with respect to which such payment is made and treated as though it had been paid in such period or periods. In determining an individual's benefit rights, remuneration payable but unpaid to such individual shall, to the extent that regulations promulgated by the director prescribe, be deemed to be "wages paid" to such individual.

(b) For benefit years beginning prior to July 3, 1983, any otherwise eligible individual shall be entitled to a total amount of benefits as was provided in this section prior to such date."

Section 11. Section 25-4-77, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-77. Benefit eligibility conditions.

(a.) An unemployed individual shall be eligible to receive benefits with respect to any week which begins on or after July 3, 1983, only if the director finds that:

(1) He has made a claim for benefits with respect to such week in accordance with such regulations as the director may prescribe.

(2) He has registered for work at, and thereafter continued to report at, a state employment office in accordance with such regulations as the director may prescribe; except, that the director may by regulation waive or alter either or both of the requirements of this subdivision (2) as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which he finds that compliance with such requirements would be oppressive, or would be inconsistent with purposes of this chapter.

(3) He is physically and mentally able to perform work of a character which he is qualified to perform by past experience or training, and he is available for such work either at a locality at which he earned wages for insured work during his base period or at a locality where it may reasonably be expected that such work may

be available. Notwithstanding any of the provisions of this subdivision (3), no otherwise eligible individual shall be denied benefits for any week because he or she is:

a. Enrolled in a course of training with the approval of the director. Such approval shall be conditioned upon the following:

1. The individual's skills are obsolete or such that there are minimal opportunities for employment;

2. Training is for an occupation for which there is a substantial and recurring demand;

3. Training is not a course of education for credit toward a degree;

4. The individual possesses aptitudes or skills which can be supplemented by retraining within a reasonable time;

5. The individual produces satisfactory evidence of continued attendance and satisfactory progress; or

b. In training approved by the director under section 236 (a) (1) of the Trade Act of 1974, nor shall such individual be denied benefits (any other provision of this chapter requiring denial notwithstanding) by reason of leaving work to enter such training; provided,

1. The work left is not suitable employment as defined in paragraph c of this subdivision (3), or

2. Because of the application to any such week in training of provisions in this chapter (or any applicable federal unemployment compensation law) relating to availability for work, active search for work or refusal to accept work.

c. For purposes of paragraph b of this subdivision (3), and only therefor, the term "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment (as defined for purposes of the Trade Act of 1974), and wages for such work at not less than 80 percent of the individual's average weekly wage as determined for the purposes of the Trade Act of 1974.

(4) He has been totally or partially unemployed in such week.

(5) He has during his base period been paid more than \$774.00 wages for insured work and in addition been paid wages for insured work equal to or exceeding one and one-half times the total of the wages for insured work paid to him in that quarter of such base period in which such total wages were the highest; provided, however, that no otherwise eligible individual who shall have received benefits in a preceding benefit year shall be eligible to receive bene-

fits in a succeeding benefit year unless and until such otherwise eligible individual, subsequent to the beginning date of the preceding benefit year, shall have worked in insured employment for which work he earned wages equal to at least eight times the weekly benefit amount established for such individual in the preceding benefit year.

(b) With respect to any week which begins prior to July 3, 1983, an unemployed individual shall be eligible to receive benefits as provided in this section prior to that date."

Section 12. Section 25-4-78, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-78. Disqualifications for benefits.

An individual shall be disqualified for total or partial unemployment:

(1) **LABOR DISPUTE IN PLACE OF EMPLOYMENT.**—For any week in which his total or partial unemployment is directly due to a labor dispute still in active progress in the establishment in which he is or was last employed. For the purposes of this section only, the term "labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee. This definition shall not relate to a dispute between an individual worker and his employer.

(2) **VOLUNTARILY QUITTING WORK.**—If he has left his most recent bona fide work voluntarily without good cause connected with such work.

a. 1. However, he shall not be disqualified if he was forced to leave work because he was sick or disabled, notified his employer of the fact as soon as it was reasonably practicable so to do, and returned to that employer and offered himself for work as soon as he was again able to work; provided, however, this exception shall not apply if the employer had an established leave-of-absence policy covering sickness or disability and:

(i) The individual fails to comply with same as soon as it is reasonably practicable so to do; or

(ii) Upon the expiration of a leave of absence shall fail to return to said employer and offer himself for work, if he shall then be able to work, or, if he is not then able to work, he fails to so notify his employer of that fact and request an extension of his said leave of absence as soon as it is reasonably practicable so to do.

2. In case of doubt that an individual was sick or disabled, or as to the duration of any such sickness or disability, the director may, or if the employer requests it, the director shall require a doctor's certificate to establish the fact or facts in doubt.

3. An established leave-of-absence policy shall be any leave-of-absence policy covering sickness and disability communicated to the employee by the customary means used by the employer for communicating with his employees.

4. Nothing herein shall be construed or interpreted as authorizing the payment of benefits to any person during, or for, unemployment due to sickness or disability or during any period in which he is on a leave of absence granted in accordance with an established leave-of-absence policy, the duration of which leave was set in accordance with his request or in accordance with a collective bargaining agreement; except, that if such leave of absence is on account of pregnancy and extends beyond the tenth week following termination of such pregnancy, the individual shall not be denied benefits under the provisions of this subdivision (2) beyond such tenth week if she has given the employer three weeks notice of her desire to return to work, is then able to work and has not refused reinstatement to a job which under the provisions of subdivision (5) of this section would be deemed suitable for her.

b. When an individual is disqualified under this subdivision (2):

1. He shall not be entitled to benefits for the week in which the disqualifying event occurs or for any week thereafter until;

(i) He has reentered insured employment or employment of the nature described in subdivisions (5), (6), (7), (8), (9), (10) or (18) of subsection (b) of section 25-4-10; and

(ii) For which employment he has earned wages equal to at least 10 times his weekly benefit amount for the benefit year in which such disqualification is assessed, and

(iii) He has been separated from such employment under non-disqualifying conditions.

2. The total amount of benefits to which he may otherwise be entitled as determined in accordance with sections 25-4-74 and 25-4-75 shall be reduced by an amount equal to not less than six nor more than 12 times his weekly benefit amount.

3. For the purpose of the experience rating provisions of section 25-4-54, no portion of the wages paid to him for the period of employment ending with the separation to which the disqualification applies shall be determined to be employee's or employer's ben-

efit wages. If the individual has been separated from employment other than his most recent bona fide work under conditions which would have been disqualifying under this subdivision (2) had the separation been from his most recent bona fide work and the employer answers a notice of payment within 15 days after it is mailed to him detailing the facts in connection with the separation, then no portion of the wages for the period of employment ending in such separation shall be determined to be employee's or employer's benefit wages.

c. An individual shall not be disqualified if he left his employment and immediately returned to work with his regular employer or to employment in which he had prior existing statutory or contractual seniority or recall rights. When this exception is applied, wages paid for that period of employment immediately preceding the separation to which the exception is applied, which have not been heretofore determined to be benefit wages, shall not be determined to be employer's or employee's benefit wages for the purpose of the experience rating provisions of section 25-4-54.

d. For the purposes of this subdivision (2) and subdivision (3) of this section, the director in determining the "most recent bona fide work" shall consider the duration of the most recent job or jobs, the intent of the individual and his employer as to the permanence of such work and whether separation from the immediately preceding employment was under conditions which would be disqualifying in the event such immediately preceding employment should be determined to be the most recent bona fide work.

(3) DISCHARGE FOR MISCONDUCT.

a. If he was discharged or removed from his work for a dishonest or criminal act committed in connection with his work or for sabotage or an act endangering the safety of others. Disqualification under this paragraph may be applied to separations prior to separation from the most recent bona fide work only if the employer has filed a notice with the director alleging that the separation was under conditions described in this paragraph in such manner and within such time as the director may prescribe. When an individual is disqualified under this paragraph:

1. He shall not be entitled to benefits for the week in which the disqualifying event occurs or for any week thereafter until he has reentered insured employment or employment of the nature described in subdivision (5), (6), (7), (8), (9), (10) or (18) of subsection (b) of section 25-4-10, has earned wages equal at least to ten times his weekly benefit amount and has been separated from such employment for a non-disqualifying reason.

2. He shall not thereafter be entitled to any benefits under this chapter on account of wages paid to him for the period of employment by the employer by whom he was employed when the disqualifying event occurred.

3. For the purposes of the experience rating provisions of section 25-4-54, no portion of such wages shall be determined to be employee's or employer's benefit wages for any benefit year or base period. If, in the case of a separation prior to separation from the most recent bona fide work, the only reason disqualification under this paragraph was not assessed was the failure of the employer to properly file a timely separation report with the director, but if such employer does file such a report within 15 days after the mailing of a notice of payment, then no portion of the wages paid for the period of employment ending in such prior separation shall be determined to be employee's or employer's benefit wages.

b. If he was discharged from his most recent bona fide work for actual or threatened misconduct committed in connection with his work (other than acts mentioned in paragraph a. of this subdivision (3)) repeated after previous warning to the individual. When an individual is disqualified under this paragraph, or exempt from disqualification for a separation under such conditions prior to his most recent bona fide work, the effect shall be the same as provided in paragraph b. of subdivision (2) of this section for disqualification or exemption from disqualification respectively.

c. If he was discharged from his most recent bona fide work for misconduct connected with his work (other than acts mentioned in paragraphs a. and b. of this subdivision (3)):

1. He shall be disqualified from receipt of benefits for the week in which he was discharged and for not less than the three nor more than the seven next following weeks, as determined by the director in each case according to the seriousness of the conduct.

2. The total amount of benefits to which he may otherwise be entitled as determined in accordance with sections 25-4-74 and 25-4-75 shall be reduced by an amount equal to the product of the number of weeks for which he shall be disqualified multiplied by his weekly benefit amount.

3. Only one half of the wages paid to him for that period of employment immediately preceding the separation to which the disqualification applies shall be determined to be employee's or employer's benefit wages for the purposes of the experience rating provisions of section 25-4-54. If the individual has been separated from employment, other than his most recent bona fide work, under conditions which would have been disqualifying under paragraph c. of

this subdivision (3), had the separation been from his most recent bona fide work and the employer answers a notice of payment within 15 days after it is mailed to him detailing the facts in connection with the separation, then only one half of the wages paid to him for that period of employment immediately preceding the separation shall be determined to be employee's or employer's benefit wages for the purposes of the experience rating provisions of section 25-4-54.

d. If he has been suspended as a disciplinary measure connected with his work, or for misconduct connected with his work, he shall be disqualified from benefits for the week or weeks (not to exceed four weeks) in which, or for which, he is so suspended and the total amount of benefits to which he may otherwise be entitled shall be reduced in the same manner and to the same extent as provided in subparagraph 2. of paragraph c. of this subdivision (3).

(4) **REVOCATION OR SUSPENSION OF REQUIRED LICENSE, ETC.**—For the week in which he has become unemployed because a license, certificate, permit, bond or surety which is necessary for the performance of such employment and which he is responsible to supply has been revoked, suspended or otherwise become lost to him for a cause other than one which would fall within the meaning of subdivision (3) of this section, but one which was within his power to control, guard against or prevent, and for each week thereafter until:

a. Said license, certificate, permit, bond or surety has been restored to him and he has reapplied to his employer for employment; or

b. He has reentered insured employment or employment of the nature described in subdivision (5), (6), (7), (8), (9), (10) and (18) of subsection (b) of section 25-4-10, whichever is the earlier.

(5) **FAILURE TO ACCEPT AVAILABLE SUITABLE WORK, ETC.**—If he fails, without good cause, either to apply for or to accept available suitable work or to return to his customary self-employment when so directed by the director or when he is notified of suitable work or it is offered him through a state employment office or the United States employment service, or directly or by written notice or offer to any such employment office or employment service by an employer by whom the individual was formerly employed. Such disqualification shall be for a period of not less than one nor more than 10 weeks from the date of said failure. This disqualification shall not apply unless the individual has an established benefit year, or is seeking to establish one or is seeking extended benefits at the time he fails without good cause, to do any of the acts set out in this subdivision (5).

a. In determining whether or not any work is suitable for an individual, the director shall consider

1. The degree of risk involved to his health, safety and morals, his physical fitness and prior training,
2. His experience and prior earnings,
3. His length of unemployment,
4. His prospects for securing local work in his customary occupation,
5. The distance of the available work from his residence; provided, that no work or employment shall be deemed unsuitable because of its distance from the individual's residence, if such work or employment is in the same or substantially the same locality as was his last previous regular place of employment and if the employee left such voluntarily without good cause connected with such employment.

b. Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. If the position offered is vacant due directly to a strike, lockout or other labor dispute;
2. If the wages, hours or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or
3. If as a condition of being employed the individual would be required to join a company union, or to resign from or refrain from joining any bona fide labor organization.

c. Notwithstanding any other provisions of this section, benefits shall not be denied an individual, by reason of the application of the provisions of this subdivision (5), with respect to any week in which he is in training with the approval of the director as described in subdivision (3) of section 25-4-77.

(6) RECEIPT OF DISMISSAL OR SEPARATION ALLOWANCE, BACK PAY AWARD, ETC.—For any week with respect to which he is receiving or has received remuneration in the form of wages in lieu of notice, a dismissal or separation allowance or back pay award. Notwithstanding the provisions of section 25-4-91 any benefits previously paid for weeks of unemployment with respect to which back pay awards are made shall constitute an overpayment and such amounts shall be deducted from the award by the employer prior to payment to the employee and shall be transmitted

promptly to the director by the employer for application against the overpayment and credit to the claimant's maximum benefit amount and prompt deposit into the fund; provided, however, the removal of any charges made against the employer as a result of such previously paid benefits shall be applied to the calendar year and the calendar quarter in which the overpayment is received by the director and no attempt shall be made to relate such a credit to the period to which the award applies. Any amount of overpayment deducted by the employer shall be subject to the same procedures for collection as is provided for contributions by section 25-4-134 of this chapter.

(7) RECEIPT OF OR APPLICATION FOR UNEMPLOYMENT COMPENSATION FROM ANOTHER STATE, ETC.—For any week with respect to which, or a part of which, he has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States; provided, that if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits this disqualification shall not apply.

(8) RECEIPT OF PENSION PAYMENT.—For any week with respect to which, or a part of which, an individual has received or has, except for the determination of an exact or specific amount, been determined eligible to receive (during a period for which benefits are being claimed) governmental or other pension, retirement or retired pay, annuity, or similar periodic payment which is based on the previous work of the individual; except, that

a. For weeks of unemployment which begin prior to April 26, 1982, as was prescribed by this subsection prior to such date, and

b. For weeks of unemployment which begin on or after April 26, 1982, the amount of any benefits payable to an individual for any such week which begins in a period with respect to which the disqualifying provisions of this subsection (h) apply, shall be reduced (but not below zero) by an amount equal to the amount of such pension, retirement or retired pay, annuity or other payment, which is reasonably attributable to such week, provided, however, such reduction required hereby shall apply to any pension, retirement or retired pay, annuity, or other similar payment only if—

1. such payment is made under a plan maintained (or contributed to) by a base period employer, and

2. in the case of such a payment not made under the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding provisions of prior law), services performed for such employer by the individual after the beginning of his base period (or

remuneration for such services) affect eligibility for or increase the amount of, such payment.

c. The other provisions of this subsection (h) to the contrary notwithstanding, the amount of any pension, retirement or retired pay, annuity, or other similar periodic payment under the Social Security Act or the Railroad Retirement Act shall, prior to the deduction of such payment from any benefits due for such week, be reduced by 50 percent.

d. If in accordance with this subdivision (8) any individual is awarded pension payments retroactively covering the same period for which the individual received benefits, the retroactive payments shall constitute cause for disqualification and any benefits paid during such period shall be recovered.

(9) RECEIPT OF OR APPLICATION FOR WORKMEN'S COMPENSATION.—For any week with respect to which, or a part of which, he has received or is seeking compensation for temporary disability under any workmen's compensation law; provided, that if it is finally determined he is not entitled to such compensation, this disqualification shall not apply; and provided further, that if such compensation is less than the benefits which would otherwise be due under this chapter, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such payment.

(10) EMPLOYMENT BY PUBLIC WORKS AGENCY, ETC.—For any week that such individual is engaged or employed by the works progress administration, the national youth administration or any federal or state unit, agency or instrumentality in charge of public works, assistance through public employment or work relief.

(11) SELF-EMPLOYMENT.—For any week in which he is self-employed and each week thereafter until he shall establish that he is no longer self-employed.

(12) RECEIPT OF, OR APPLICATION FOR, TRAINING ALLOWANCE, ETC.—For any week with respect to which, or a part of which, an individual who is enrolled in a course of training with the approval of the director, within the meaning of subdivision (3) of section 25-4-77, has applied for, or is entitled to receive, any wage or subsistence or training allowance or other form of remuneration, other than reimbursement for travel expenses, for a course of training under any public or private training program; provided, that if it is finally determined that he is not entitled to such remuneration, this disqualification shall not apply. If the remuneration, the receipt of which is disqualifying under this subdivision (12), is less than the weekly benefits which he would otherwise be due under

this chapter he shall be entitled to receive, if otherwise eligible, weekly benefits reduced by the amount of such remuneration. It is further provided that receipt of training allowances under the Trade Readjustment Act shall not be cause for disqualification under this subdivision.

(13) **PARTICIPATION IN PROFESSIONAL SPORTS.**—For any week which commences during the period between two successive sport seasons (or similar periods) to any individual for which benefits claimed are on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

(14) **ALIENS.**

a. For any week for which benefits claimed are on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who is lawfully present in the United States as a result of the application of the provisions of section 203(a) (7) or section 212(d) (5) of the Immigration and Nationality Act).

b. Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

c. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his alien status shall be made except upon a preponderance of the evidence."

Section 13. Section 25-4-91, Code of Alabama 1975, as last amended is hereby amended to read:

"§ 25-4-91. Determinations and redeterminations upon claims for benefits.

(a) **Determination by examiner.**—A determination upon a claim filed pursuant to section 25-4-90 shall be made promptly by an examiner designated by the director, and shall include a statement as to whether and in what amount a claimant is entitled to benefits and, in the event of denial, shall state the reasons therefor; except that, where he deems additional evidence to be needed, the

examiner may refer such claim or any question involved therein to an appeals tribunal who shall make this decision with respect thereto in accordance with the proceeding prescribed in section 25-4-93. A determination with respect to the first week of a benefit year shall also include a statement as to whether the claimant has been paid the wages specified under subdivision (5) of section 25-4-77 and if so, the first day of the benefit year, his weekly benefit amount, and the maximum total amount of benefits payable to him with respect to a benefit year.

(b) Redeterminations and reconsiderations.

(1) The director may reconsider any determination which has not become final as provided in subsection (d) of this section and may issue a redetermination. The director may reconsider a determination which has become final whenever he finds that an error or omission in base period wages, computation of benefits or identity of the claimant or the employer for whom the claimant worked during the base period of his claim has occurred in connection therewith and may issue a redetermination. No such redetermination shall be made after the expiration of the benefit year within which the claim was filed; except, that the director may, within one year after the end of such benefit year, reconsider any determination which has become final and issue a redetermination upon a finding that the determination has been based on false statements or misrepresentation of material facts, whether or not intentional. Notice of any such redetermination shall be promptly given to the parties entitled to notice of the original determination in the manner prescribed in this section with respect to notice of an original determination. Such redetermination shall be subject to review upon appeal in the same manner and under the same conditions as original determinations. Except when the director has written documentation that an interested party has made false statements or a misrepresentation of material facts or such party admits to such in writing or waives his right to a hearing, no redetermination shall be effectuated so as to interrupt the benefit status of a claimant until after the determination has become final.

(2) An appeal tribunal or the board of appeals may reconsider any decision which has not become final as provided by sections 25-4-92 and 25-4-94 and may issue an amended decision. An appeals tribunal or the Board of Appeals may, within one year after the end of the benefit year, reconsider any decision which has become final and issue an amended decision upon a finding that the decision was based on false statements or misrepresentation of material facts, whether or not intentional and the Director may petition the body which issued the decision for a rehearing and amended decision.

(3) In the event that an appeal involving an original determination is pending as of the date a redetermination thereof is issued, such appeal, unless withdrawn, shall be treated as an appeal from such redetermination.

(c) Notice of determination and notice of payment.

(1) Notice of determination or decision upon a claim shall be promptly given to the claimant and the claimant's last employing unit by delivery thereof or by mailing such notices to their last known addresses.

(2) Notice of payment will be promptly given to every employer in the claimant's base period who is not entitled to a notice of determination when the claimant has been paid an amount equal to or exceeding the amount of benefits payable to him for three weeks of total unemployment (or the number weeks as is required for the determination of employee's benefit wages set out in subdivision (1) of subsection 25-4-54 (b)) by delivery thereof or by mailing such notice to their last known addresses.

(d) Finality of determinations and notice of payment.

(1) Unless any party to whom notice of determination is required to be given shall, within seven calendar days after delivery of such notice or within 15 calendar days after such notice was mailed to his last known address, file an appeal from such decision, such decision shall be deemed final.

a. If an appeal is duly filed, any disputed benefits which may have been paid at any time prior to the final decision, which would not have been payable under the terms of the final decision, shall be determined to be an overpayment and the claimant shall be required to repay to the fund any such benefits and the director shall have the authority to enforce collections of overpayments as is contained in Section 25-4-145.

b. If an appeal is duly filed by an interested employer, wages in the base period paid by that employer shall not be determined to be employee's or employer's benefit wages for the purpose of the experience rating provisions of section 25-4-54 until the decision on such appeal becomes final and in event the final decision allows benefits the charge to the employer's experience rating record will be made in the calendar quarter in which such decision becomes final.

(2) Unless any party to whom notice of payment is required to be given shall, within seven calendar days after delivery of such notice or within 15 calendar days after such notice was mailed to his last known address, request the director to review the decision determining wages to be benefit wages, such decision shall become

final. If the final decision provides for the removal of benefit wages, such a credit shall be applied to the calendar year and calendar quarter in which such decision becomes final and no attempt shall be made to relate the credit to the period in which the wages were previously determined to be benefit wages."

Section 14. Section 25-4-130, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-130. Duration of employer's coverage under this chapter; termination of coverage.—

(a) Except as otherwise provided in subsection (b) of this section, any employing unit which is or becomes an employer subject to this chapter within any calendar year, shall be an employer subject thereto during the whole of such calendar year.

(b) Except as otherwise provided in section 25-4-131, an employer (except governmental entities) shall cease to be an employer subject to this chapter:

(1) As of January 1 of any calendar year if he files with the director, prior to April 1 of such year, a written application for termination of coverage and he has not, during the preceding calendar year, met any of the conditions for remaining subject to this chapter.

(2) a. As of the date of transfer of his organization, trade or business, or substantially all the assets thereof to a successor as provided by paragraph (a) (4)a of section 25-4-8; provided, that he shall have ceased to employ any individual or individuals in employment subject to this chapter; provided further, however, should the disposing employer reacquire all or substantially all of the same employing unit during the same or next succeeding calendar year without the predecessor having employed individuals, thereby succeeding to the employment experience, he shall be deemed not to have ceased operation and shall have his rate of contribution computed based upon that portion of his and his successor's employment experience occurring during the period specified in section 25-4-54.

b. If, immediately subsequent to the date of transfer of his organization, trade or business, or substantially all the assets thereof to a successor as provided by paragraph (a) (4)a of section 25-4-8, he shall cease to be an employer subject to this chapter as of the date of such transfer. If, however, subsequent to the date of transfer, he employs or continues to employ any individual or individuals he shall again become an employer subject to this chapter when any of the provisions of section 25-4-8 are met and shall be considered an employer first becoming subject for the purposes of sections 25-4-16

and 25-4-54.

(3) As of January 1, next following two consecutive calendar years ending on the preceding December 31, during which he employed no individuals in employment subject to this chapter.

(c) Any political subdivision which has made an election may, prior to January 1, 1978, terminate said election after the two-year period called for in subsection (b) of section 25-4-131 has been completed by filing with the director written notice not later than the December 1, of any calendar year, such termination to be effective as of the first day of the next ensuing calendar year with respect to services performed on and after that date.

(d) When an employer's coverage is terminated under the provisions of this section, such employer shall not, except as otherwise provided in this section, thereafter become subject to the provisions of this chapter on the basis of any employment by such employer prior to the effective date of such termination."

Section 15. Section 25-4-145, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-145. Penalties; overpayments; limitation of actions.

(a) Penalties.

(1) Whoever willfully makes a false statement or representation or who willfully fails to disclose a material fact to obtain or increase any benefit or payment under this chapter, or under an unemployment insurance law of any other state or government, either for himself or for any other person, whether such benefit or payment is actually received or not, shall be guilty of a misdemeanor and upon such conviction shall be punished by a fine of not less than \$50.00 nor more than \$500.00, or by imprisonment for not longer than twelve months, or by both such fine and imprisonment, and each such false statement or representation shall constitute a separate and distinct offense.

(2) Any officer or agent of employer, or any employer who is an individual, who willfully makes a false statement or representation to avoid his employer or himself becoming or remaining subject to this chapter for contributions, or to reduce any contribution or other payment required of such employer or him under this chapter, or who willfully fails or refuses to make any such contributions or other payments as lawfully required under this chapter, or who induces any employee to waive any rights under this chapter, or any officer or agent of an employing unit, or any employing unit who is an individual, who refuses to furnish any reports duly required under this chapter or to appear or testify or produce records as law-

fully required hereunder shall, upon conviction, be punished by a fine of not less than \$50.00 nor more than \$500.00, or by imprisonment for not longer than twelve months, or by both such fine and imprisonment, and each such false statement or representation and each day of such failure or refusal, and each such inducement shall constitute a separate and distinct offense.

(3) If the director finds that any fraudulent misrepresentation has been made by a claimant with the object of obtaining benefits under this chapter to which he was not entitled, then, in addition to any other penalty or prosecution provided under this chapter, the director may make a determination that there shall be deducted from any benefits to which such claimant might become entitled during his present benefit year and/or next subsequent benefit year, an amount not less than four times his weekly benefit amount and not more than the maximum benefit amount payable in a benefit year, as determined under sections 25-4-72, 25-4-74 and 25-4-75, at the time the director makes the determination. The director shall notify the claimant of his findings and determination either by delivering a copy thereof to him or by mailing a copy, postage prepaid, to his last known address. Unless the claimant shall appeal from said finding or from said determination, or both, within seven calendar days after delivery of such notice to him, or within 15 calendar days after such notice was mailed to his last known address, postage prepaid, such finding and determination shall become final. If such claimant shall appeal from such finding or determination, or both, within the time specified, the issue or issues shall be referred to an appeals tribunal for hearing, as in other benefit cases, and thereafter the procedure shall be the same as set forth in article 5 of this chapter.

(4) Any violation of any provisions of this chapter, for which a penalty is neither prescribed above nor provided by any other applicable statute, shall be punished by a fine of not less than \$50.00 nor more than \$500.00, or by imprisonment for not longer than twelve months, or by both such fine and imprisonment.

(b) Limitation of actions.—Prosecution under this section must be begun within three years from the date of the commission of the offense or offenses described herein.

(c) Collection of overpayments.

Any individual who has received any sum as benefits or payments under this chapter while any condition for the receipt of benefits or payment imposed by this chapter were not fulfilled by such person, or while he was disqualified from receipt of benefits; or by reason of non-disclosure or misrepresentation by him or another of a material fact (irrespective of whether such non-disclosure was

known or fraudulent) or for any other reason causing him to receive benefits to which he was not entitled, shall be required to repay such sum in cash or by offset against any future benefits if payable or a combination of both.

1. Such person shall be promptly notified of the determination of overpayment and the reasons therefor. Unless such person, within 15 calendar days immediately following the date such notification was mailed to his last known address, files an appeal from such determination, such determination shall be final. Any appeal therefrom pursuant to the provisions of this chapter shall be limited solely to the overpayment issue.

2. If the indebtedness is not paid by such person within 30 calendar days after the determination has become final, the director shall proceed to effect collection of the overpayment and shall have available to him all civil actions available to him under the laws of this state to collect the overpayment as well as those provisions contained in subsection (b) of section 25-4-134 applying to the collection of contributions.

(d) Waiver of overpayment; limitations.

1. The director is hereby authorized to waive overpayments under such procedure and conditions as he may by regulation prescribe.

2. The other provisions of this section to the contrary notwithstanding, no action to enforce recovery or recoupment of any overpayment shall begin after six years from the date of the final determination as is provided for in subsection (c) of this section."

Section 16. The amendments provided by Sections 2 and 6 of this act shall have retroactive effect to January 1, 1983 unless a different date for some specific provision within such sections shall clearly specify a different date in which case the date clearly specified shall apply.

Section 17. All laws and parts of laws in conflict herewith are hereby repealed.

Section 18. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and for this purpose the provisions of this act are severable.

Section 19. This act to take effect immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved February 24, 1983

Time: 3:30 P.M.

Act No. 83-156

H.J.R. 38—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

REQUESTING THAT THE TENNESSEE VALLEY AUTHORITY PROPERLY RECLASSIFY THE ELECTRICITY RATES OF THE AGRICULTURAL COMMUNITY.

WHEREAS, the Tennessee Valley Authority has announced plans to require electric co-ops and municipalities purchasing TVA electrical power to classify agricultural operations as commercial; and

WHEREAS, agriculture has been in a serious market depression for several years with no foreseeable relief; and

WHEREAS, reclassifying agricultural operations to commercial will deal a serious economic blow to the citizens and the economy of this state; and

WHEREAS, farmers rarely produce "finished" agricultural products ready for the consumer marketplace; and

WHEREAS, such reclassification will cost farmers an increase of approximately 29 percent in electrical rates; and

WHEREAS, agricultural operations consume the most power in the summertime when other power demand is low and at the very time of the year when TVA needs to increase consumption; and

WHEREAS, if the new rate structure is not changed to remove agricultural producers from the commercial classification, many that are now facing potential bankruptcy due to the actions of TVA, will go bankrupt; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama urgently requests that the Tennessee Valley Authority be caused to amend the new rate structure so as not to impose commercial rates on farmers and other agricultural producers.

BE IT FURTHER RESOLVED, That the Legislature of Alabama concurs with Governor George C. Wallace of Alabama in his recent letter to the President of the United States, Congressmen and the Directors of TVA urging the reclassification of agricultural producers from commercial, back to the same rate that residential customers experience.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President of the United States, Congressmen and the Directors of the Tennessee Valley Authority.

Approved February 25, 1983

Time: 4:32 P.M.

Act No. 83-157

H.J.R. 39—Reps. Johnson (Roy), McKee

HOUSE JOINT RESOLUTION

URGING PRESIDENT REAGAN'S CAREFUL CONSIDERATION OF GOVERNOR WALLACE'S REQUEST EXPRESSING OPPOSITION TO THE RECENTLY IMPOSED USER FEES AND TAX INCREASES ON THE TRUCKING INDUSTRY.

WHEREAS, it is the concensus of the Alabama Legislature that recently enacted tax legislation, imposing increased user fees and taxes upon our nation's trucking industry, will effectively force many truckers into bankruptcy; and

WHEREAS, the essential services provided by the trucking industry, and most particularly America's independent truckers, are vital to the very survival of the American farmers, our national industries and businesses, both large and small, countrywide; and

WHEREAS, Governor Wallace's recent request to President Reagan reflects the judgment of this body that a repeal or lowering of the exorbitant fees and taxes now imposed must be reduced if America's trucking industry, as we now know it, is to continue in existence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully urge President Reagan to carefully and favorably consider Governor George Wallace's recent request with regard to the punitive fees and increased taxes imposed upon the trucking industry of our nation.

BE IT FURTHER RESOLVED, That, by copy of this resolution, the Clerk of the House is directed to advise President Reagan of this respectful request of the House and Senate of the Alabama Legislature.

Approved February 25, 1983

Time: 4:32 P.M.

Act No. 83-158

H.J.R. 34—Rep. Turnham

HOUSE JOINT RESOLUTION

PETITIONING THE COMMISSIONER OF THE ALABAMA DEPARTMENT OF CORRECTIONS AND THE COMMISSIONER OF THE ALABAMA DEPARTMENT OF REVENUE TO OFFICIALLY DESIGNATE A PORTION OF THE SALARY OF CHAPLAINS IN THE PENAL INSTITUTIONS OF ALABAMA AS A RENTAL ALLOWANCE.

WHEREAS, the Alabama Department of Corrections presently maintains Clergymen as Chaplains on the payroll of the Department for the purpose of ministering to the spiritual needs of inmates and to acquaint them with biblical precepts for living a righteous life; and

WHEREAS, such Chaplains are assigned no other duties nor serve any other purpose for the Alabama Department of Corrections; and

WHEREAS, Section 107 of the Internal Revenue Code of the United States and applicable sections of State law permit a Chaplain to exclude a portion of his salary for housing, utility and furnishings expenses when computing his taxable income; and

WHEREAS, such exclusion of this portion of his salary is permitted only in the case of a Chaplain when the organization which employs him officially designates the payment as a rental allowance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby petition and call upon the Commissioner of the Alabama Department of Corrections and the Commissioner of the Alabama Department of Revenue to so designate, from this date forward, a portion of the salary of each Chaplain in the employ of the Alabama Department of Corrections as a rental allowance.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Commissioner of the Alabama Department of Corrections and the Commissioner of the Alabama Department of Revenue for appropriate action.

Approved February 25, 1983

Time: 4:32 P.M.

Act No. 83-159

H.J.R. 12—Rep. Rains

HOUSE JOINT RESOLUTION

REQUESTING THE SERVICE DIVISION OF THE STATE FINANCE DEPARTMENT TO PROVIDE THAT STATE TELEPHONE OPERATORS MAINTAIN A NORMAL WEEKDAY SCHEDULE OF ALL DAYS THAT THE LEGISLATURE IS IN SESSION.

WHEREAS, State telephone operators are on duty from 7:00 a.m. until 11:30 p.m. on weekdays, and from 9:00 a.m. until 5:00 p.m. on weekends and holidays; during these hours the State's WATS line can be made available by an operator to members of the Legislature anywhere in the State; and

WHEREAS, when the Legislature is in session on holidays or on weekends the State's WATS line is unavailable for business use by members of the Legislature during early morning and late evening hours, except from phones located in the Capitol itself or other state buildings; and

WHEREAS, the pressing affairs of government are such that it is oftentimes necessary for legislators to place business calls outside the nine-till-five holiday hours, thus it is necessary that normal service be available when the House and Senate are in session; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Service Division of the State Finance Department to provide that State telephone operators maintain a normal weekday schedule on all days that the Legislature is in session.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to advise State Finance Director Henry Steagall, by copy of this resolution, of this request of the Legislature.

Approved February 25, 1983

Time: 4:32 P.M.

Act No. 83-160

H. 5—Rep. Turnham

AN ACT

To amend § 16-25-14(i), Code of Alabama 1975 relating to the Teachers' Retirement System of Alabama and § 16-27-16(e), Code of Alabama 1975, relating to the Employees' Retirement System of Alabama, so as to change from five years to two

years the time required for certain members who have been restored to active service, to continue in service before again becoming a member of either System.

Be It Enacted by the Legislature of Alabama:

Section 1. § 16-25-14(i) is hereby amended to read as follows:

“(i) (1) Should any beneficiary be restored to active service from service retirement or from disability retirement on or after attainment of age 50, his retirement allowance shall be suspended until he again withdraws from service and, he shall not again become a member, nor shall he make contributions; except, that should such beneficiary who has been restored to active service continue in service for a period of two or more years from the date of his reentry into active service, he may request the board of control to allow him to again become a member of the retirement system. The board of control may grant the request for restoration to membership; provided, that such beneficiary whose retirement allowance has been suspended shall repay to the system all moneys received by him as benefits during any period subsequent to the date of his reentry into active service; provided further, that he shall make a contribution equal to the amount he would have contributed had he been a member during the period of his restoration to active service on a suspended allowance basis, together with the interest which would have been credited to the contributions on account of such period of restoration up to the date such contribution is made.”

“(2) Should any beneficiary on disability retirement be restored to active service before reaching age 50, he shall again become a member of the retirement system and shall make contributions.”

Section 2. § 36-27-16(e) is hereby amended to read as follows:

“(e) (1) **EFFECT OF RETURN TO ACTIVE SERVICE.**—Should any beneficiary be restored to active service from service retirement or from disability retirement on or after attainment of age 52, his retirement allowance shall be suspended until he again withdraws from service and he shall not again become a member of the retirement system nor shall he make contributions; except, that should such beneficiary who has been restored to active service continue in service for a period of *two* or more years from the date of his reentry into active service, he may request the board of control to allow him to again become a member of the retirement system. The board of control may grant the request for restoration to membership; provided, that such beneficiary whose retirement allowance has been suspended shall repay to the system all moneys received by him as benefits during any periods subsequent to the date of his reentry into active service and shall make a contribution equal to the amount he would have contributed had he been a member dur-

ing the period of this restoration to active service on a suspended allowance basis together with the interest which would have been credited to the contributions on account of such period of restoration up to the date such contribution is made."

"(2) Should any beneficiary on disability retirement be restored to active service before reaching age 52, he shall again become a member of the retirement system and shall make contributions."

Section 3. This bill shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 25, 1983

Time: 4:32 P.M.

Act No. 83-161

H. 17—Rep. Turnham

AN ACT

To provide for the supplemental appropriation and allocation to the Board of Heating and Air Conditioning Contractors for the 1982-1983 state fiscal year ending September 30, 1983, of an amount up to \$65,000.00, from the Board of Certification of Heating and Air Conditioning Contractors Fund in the state treasury for the purpose of salaries and other expenses; to provide for retroactive effect; and to provide that monies remaining in said fund on September 30, 1983, shall revert to the State General Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby supplementally appropriated and allocated to the Board of Heating and Air Conditioning Contractors for the 1982-1983 state fiscal year ending September 30, 1983, and amount up to \$65,000.00, for the purpose of salaries and other expenses, from the Board of Certification of Heating and Air Conditioning Contractors Fund in the state treasury into which said contractors application and renewal fees for certification and proscribed penalties are paid.

Section 2. The appropriation and allocation provided for herein shall be retroactive to October 1, 1982, and shall extend through September 30, 1983. Any funds remaining in the state treasury in the fund entitled Board of Certification of Heating and Air Conditioning Contractors on September 30, 1983, shall revert to the State General Fund.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 25, 1983

Time: 4:32 P.M.

Act No. 83-162

H. 24—Rep. Coburn

AN ACT

To amend Sections 36-22-42 and 36-22-43, Code of Alabama 1975, which provides for deductions from sheriffs' salaries and retirement payments for retired sheriffs, so as to increase said deductions and payments.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 36-22-42 and 36-22-43, Code of Alabama 1975, are hereby amended to read as follows:

"Section 36-22-42. The governing body of each county shall begin deducting on October 10, 1975, and each month thereafter from the salaries of such sheriffs an amount equal to four percent of the monthly salary paid such official up to \$25,000.00. Such sum shall be deducted monthly and paid into the general fund of the county.

If any sheriff subject to the provisions of this article shall end his tenure of office prior to becoming eligible as provided herein, an amount equal to one half of the amount paid by him into the county general fund under the provisions of this section shall be repaid to him.

In the event such person shall die in office prior to becoming eligible, such sum shall be paid to his estate.

This section shall not apply in any county in which the sheriff is eligible to become entitled to any other state or county retirement act which he may elect to come under."

"Section 36-22-43. Those persons eligible under either section 36-22-40 or 36-22-41 shall receive payments equal to \$750.00 per month, but in no event shall any person receive payments pursuant to both the retirement and disability provisions simultaneously. Said payments shall be paid from the general fund of the county in which said eligible persons reside upon their retirement or disability. However, this article is permissive in nature and the governing body of said county may decline to make such payments. In such event the full amount of any contribution made shall be paid back to the eligible sheriff."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 25, 1983

Time: 4:32 P.M.

Act No. 83-163

H. 32—Reps. Moore, Wilson

AN ACT

To amend Section 11-47-16, Code of Alabama 1975, relating to the power of cities and towns to acquire sites for, construct and operate public cultural facilities, so as to include counties and to further qualify the necessity for such acquisition and construction.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-47-16, Code of Alabama 1975, is hereby amended to read as follows:

“§ 11-47-16. Each county, city and town in this state shall have power to establish, operate, maintain or contract with others to operate and maintain public cultural facilities consisting of museums, art galleries, art centers, music halls and related facilities, and, if necessary, to acquire sites for, construct or otherwise acquire such facilities, all to the end of making cultural facilities available to the public, whether separately or grouped two or more in the same building. Whenever any such facilities shall have been so established they may be administered by and through such instrumentality or instrumentalities as may be designated for that purpose by the governing body of such county, city or town.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 25, 1983

Time: 4:32 P.M.

Act No. 83-164

H. 37—Rep. Adams

AN ACT

To provide further for the membership of the continuing legislative committee, known as the legislative council of the state of Alabama, so as to include the chairman of the rules committee in both the house and senate, and the chairman of the house local government committee, and the chairman of the state governmental affairs committee.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any and all other provisions of law

relating to the membership of the legislative council, such membership shall be increased to include the chairman of the senate rules committee and the chairman of the house rules committee, and the chairman of the house local government committee, and the chairman of the senate governmental affairs committee. Each such member shall be entitled to any and all other benefits, privileges, powers and rights with the same obligations and duties as provided by law for all other members.

Section 2. The provisions of this act shall be construed in para materia with all other provisions of law relating to the legislative council of the state of Alabama; provided, however, that only any laws or parts of laws which are in direct conflict herewith are hereby repealed.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved February 25, 1983

Time: 4:32 P.M.

Act No. 83-165

H. 25—Rep. Johnson (Roy)

AN ACT

To amend Section 36-17-8 of the Code of Alabama 1975 as amended by Act 83-78 relating to the procedures for the State Treasurer in paying principal and interest on bonded indebtedness by a fiscal agent and more specifically to alter Section 1(c) dealing with the number of fiscal agents so as to make this subsection conform to other sections of the code.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-17-8 of the Code of Alabama 1975 is hereby amended to read as follows:

“(a) Not less than fifteen nor more than thirty days before the due date of principal and interest on each of the respective issues of bonded indebtedness, the treasurer must certify to the comptroller the amount of money needed to pay the principal and interest falling due on that date, and for any expenses necessarily incurred by the fiscal agent in the discharge of its duties. The comptroller shall draw his warrant on the treasury in favor of the treasurer for such amount to be paid out of any fund appropriated for the payment of

principal and interest and expenses.

“(b) not more than 15 business days before the actual due date of principal and interest, the treasurer shall remit to the fiscal agent, by wire transfer or draft, the total amount of principal, interest, and expenses of the fiscal agent, due on said bond.”

“(c) for the purpose of paying principal and interest on any issues of funded indebtedness, the treasurer with the written consent of the Governor, may designate at least two banks, one or more within the State of Alabama one or more within the Continental United States.

“(d) In the event that any issues of bonded indebtedness existing, prior to the date of enactment of this section, provide by the terms of the issue an alternate means of paying principal and interest, including but not limited to the establishment of a sinking fund or advance payment, then such payment shall be made in accordance with the terms of such bond indenture.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved February 25, 1983

Time: 4:32 P.M.

Act No. 83-166

H.J.R. 79—Rep. Waggoner

HOUSE JOINT RESOLUTION

COMMENDING MR. ROBERT H. BOSWELL, DIRECTOR OF THE BIRMINGHAM POLICE DEPARTMENT ATHLETIC TEAM.

WHEREAS, PAT is a program sponsored by the Birmingham Police Department as a supervised sports involvement for elementary-aged youths of the City of Birmingham; and

WHEREAS, the director of the Police Athletic Team, or PAT, program is officer Robert H. Boswell, an active member of the Birmingham Police Department who has devoted untold hours in leadership and guidance for the program's participating youngsters; and

WHEREAS, as a measure of the success of Mr. Boswell's efforts, it is to be noted that numerous young Birmingham area boys,

who were participants in the PAT basketball program as youngsters, have gone on to achieve outstanding success as college and professional athletes; and

WHEREAS, Boswell-coached college stars include Ennis Whatley, Eric Richardson, Alvin Mumphord, Buck Johnson, Craig Beard, Luellen Foster, Marvin Ray Johnson, John Morgan, Sam Ervin, Edward Carroll, Mike Anderson, Anthony Hicks, Gerald Crosby, Dean Brown, Fred Harris, Robert Scott, Anthony Murray and Bubba Price, among others; in the professional ranks are found such stand-outs as Reginald King, T. R. Dunn, Tony Nathan, Andrew Toney, Oliver Robinson, Norman Anchrum, Chris Giles, Eddie Phillips and Raymond Odums; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend Birmingham Police Officer and PAT Director Robert H. (Bob) Boswell for outstanding service to the youth of our state and for the contributions he has made to the world of sports through his dedication to the outstanding Police Athletic Team program of the Birmingham Police Department.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Mr. Boswell and for the Birmingham Police Department in token of our sincere praise and regard.

Approved February 23, 1983

Time: 3:45 P.M.

Act No. 83-167

H.J.R. 81—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the House adjourns today, Thursday, February 17, 1983, that they adjourn to meet again on Tuesday, February 22, 1983.

BE IT FURTHER RESOLVED, That when the two houses adjourn today, Thursday, February 17, 1983, that the Senate adjourns to meet again on Friday, February 18, 1983, and when the Senate adjourns on Friday, February 18, 1983, they adjourn to meet again on Tuesday, February 22, 1983.

Approved February 23, 1983

Time: 3:45 P.M.

Act No. 83-168

H.J.R. 90—Rep. Payne

HOUSE JOINT RESOLUTION

COMMENDING BIRMINGHAM POLICE OFFICER DAN BIANCHI, RECIPIENT OF THE DEPARTMENT'S MEDAL OF VALOR.

WHEREAS, it is indeed an honor and a privilege for the Alabama Legislature to recognize Birmingham Police Officer Dan Bianchi for outstanding heroism in his valiant actions of August 25, 1982; and

WHEREAS, on that date, Officer Bianchi, in the face of grave personal danger, was successful in thwarting the efforts of a former mental patient to possibly open fire on other Birmingham police officers; and

WHEREAS, the subject subdued by Officer Bianchi had already fired upon several members of his family, had bolted from a tear-gassed house and was struggling with several officers when Dan Bianchi grabbed the weapon, thereby preventing further violence and a possible life threatening situation; and

WHEREAS, Officer Bianchi, a nine-year veteran of the Birmingham Police Department, is a motorcycle patrolman and has been on the department's tac squad for the past two years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we stand in tribute to the extraordinary bravery displayed by Police Officer Dan Bianchi of Birmingham, Alabama; we further most highly commend Officer Bianchi for valor beyond the call of duty and direct that he receive a copy of this resolution, tendered in sincere admiration and esteem.

Approved February 25, 1983

Time: 4:32 P.M.

Act No. 83-169

H.J.R. 91—Rep. Payne

HOUSE JOINT RESOLUTION

COMMENDING THE HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL WRESTLING TEAM.

WHEREAS, the Alabama Legislature notes with utmost com-

commendation the outstanding season record of the Hewitt-Trussville Junior High School Wrestling Team under their talented first-year Head Coach Mark D. Lasseter; and

WHEREAS, finishing the season with an 8-2 record, the team also was first in the Lake Martin Tournament, second in the Erwin Tournament and, following a mid-season slump of two dual meet losses and a fifth place in the Mountain Brook Tournament, bounced back to win three big dual meets "firsts" and the County Championship over such teams as Mountain Brook, Pittman and Vestavia; and

WHEREAS, individual honors went to ninth graders Chip Ormand, Chris Calma and Eric Mashburn who, respectively, claimed the County Championship at the 128-pound weight class with an overall 21-0 record; the 105-pound weight class with a 19-1 record and Most Outstanding Wrestler honors; and the 155-pound class, also with a record of 19-1; and

WHEREAS, other members of the team to place in their classes in the county tournament were: Steven Blalock—5th, James Walker—2nd, David Freeman—5th, Joe Sphar—3rd, Todd Strong—3rd, Reid Everette—6th, Todd Gerald—6th, Sam Barry—2nd and Doug Jenkins—4th; and

WHEREAS, Hewitt-Trussville's other County Champion team members include: Shane Black, Bass Riggins, Lee Edmunds, Ken Needham, Davey Needham, Michael Bengston, Greg Sellers, Pat Whisenant, Tyrone Gunn, Scott Mordecai, Edwin Hocutt, Bobby Howard, Terry Minor, Jimmie Blalock, Mike Shotts, Michael Smitherman, Barry Williams, Jim Acton, Rex Wallis, Vince Bruno, Michael Wallace, Micha Morgan, Michael Laborde, Paul Brooks, Jeff Bryant, Jimbo Vaughn, David Denard, Jimmy Matlock, Chuck Gipson, Rick Swaim, Tommy Mitchell and Allen Higgins; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend heartiest congratulations and sincere commendation to Coach Mark D. Lasseter and his County Champion Hewitt-Trussville Junior High School Wrestling Team.

BE IT FURTHER RESOLVED, That Coach Lasseter receive a copy of this resolution on behalf of the entire team with a copy also provided for appropriate school display.

Approved February 25, 1983

Time: 4:32 P.M.

Act No. 83-170

H.J.R. 92—Rep. White (F)

HOUSE JOINT RESOLUTION

COMMENDING THE FLOMATON HIGH SCHOOL WOMEN'S BASKETBALL TEAM.

WHEREAS, it is with utmost commendation that the Legislature of Alabama notes the outstanding basketball season of the Flomaton High School women's basketball team; and

WHEREAS, led to an overall record of 19 wins and 8 losses by Coach Judy Bell, the lady cagers compiled the best record in the history of girls athletics at Flomaton High School; and

WHEREAS, the team won the 1983 area 3 championship and were the 1983 Region 2 champions and won first and second round state playoff games, including a stunning defeat of the number one team in Class AA; and

WHEREAS, their outstanding tournament play earned them a spot in the Class AA final four tournament in Birmingham, the only high school south of Birmingham achieving such an honor and the first Flomaton High School Team to make the state playoff finals; and

WHEREAS, Flomaton girl roundballers are Susan Curry, Tonya Kyles, Kasey Nelson, Amanda Steadham, Sonya Brooks, Nita Baldwin, Lana Nelson, Denita Long, Kim Enfinger, and Teresa Spears, each of whom is to be heartily congratulated for her contributions to the club's winning season; and

WHEREAS, we believe that the actions of these fine young women on the basketball court are reflective of their classmates, faculty, parents and the good citizens of the Flomaton community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the Flomaton High School girls basketball team for their successful season.

BE IT RESOLVED FURTHER, That a copy of this resolution be sent to Coach Bell and another copy to the school for appropriate display.

Approved February 25, 1983

Time: 4:32 P.M.

Act No. 83-171

H.J.R. 94—Rep. Williams

HOUSE JOINT RESOLUTION

RECOGNIZING THE EVENDER G. SPRADLIN, II, FAMILY WHICH HAS BEEN HONORED AS FORT RUCKER, ALABAMA'S GREAT AMERICAN FAMILY.

WHEREAS, the family is that body, or that cell, from which our society emerges and beginning in 1982 with its first annual Great American Family Awards Program, the American Family Society seeks to honor selected families who have made life better in their own communities and who inspire other families to contribute to the quality of American Life through meaningful service to their communities; and

WHEREAS, with Mrs. Nancy Reagan as the honorary chairperson for the program, the Evender G. Spradlin, II, family was elected for the Great American Family Award in recognition of their valuable contributions and sacrifices to the Fort Rucker and surrounding civilian communities; and

WHEREAS, the volunteer plays a vital role in all community activities, assisting in program planning, scheduling, fund raising, volunteer recruiting, in recording results and providing after-action reports for each event; and

WHEREAS, they must be tolerant of all elements of the community and be a positive influence upon the lives of the people by the examples they set, and the Spradlins have greatly exceeded all expectations for a volunteer as their awareness of the complexities of our society leave no room for compromise in the fulfillment of their responsibilities and obligations to become involved in programs designed to improve the quality of life for all those who reside in the Fort Rucker community; and

WHEREAS, the Spradlin's presence has been highly visible in the Boy and Girl Scouting Programs, the Fort Rucker Schools, Chapel activities and the youth sports programs for southeast Alabama; through their guidance, assistance, patience and generous giving of their time, energy and abilities, the mission of all the youth programs have been successful and they have extended a genuine spirit of cooperation in all volunteer activities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our appreciation to the Evender G. Spradlin, II, family for their contributions directed towards the improvement of the quality of life for the residents of Fort Rucker and Southeast Alabama.

Approved February 25, 1983

Time: 4:32 P.M.

Act No. 83-172

H.J.R. 97—Reps. Hettinger, Hall, Butler,
Freeman

HOUSE JOINT RESOLUTION

CREATING INTERIM COMMISSIONS TO ASSESS THE STATE'S EDUCATIONAL NEEDS IN THE AREA OF HIGH TECHNOLOGY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an interim commission to conduct a comprehensive assessment of the human and capital resource needs of all the colleges and universities which offer baccalaureate or graduate programs in the field of engineering. The commission shall be composed of a representative from each of the following institutions of higher learning: The University of Alabama, the University of Alabama in Birmingham, the University of Alabama in Huntsville, the University of South Alabama, Auburn University, and Tuskegee Institute. Each institutional representative shall be appointed by the respective university president, shall be a full time faculty member of the institution, and shall serve at president's discretion and without compensation. The six-member commission shall issue a written report to the Governor and legislature not later than 180 days following the effective date of this act. Upon the issuance of said report, the commission shall terminate.

BE IT FURTHER RESOLVED, That, additionally, there is hereby created an interim commission to conduct a comprehensive assessment of the human and capital resource needs of the state junior, community and technical colleges with specific emphasis on training of technical support personnel for high technology programs. This assessment shall be conducted by a six-member commission who shall serve without compensation, shall be appointed by the Chancellor of the state's junior, community, and technical colleges and shall be in the full time employ of a junior, community, or technical college. The six-member commission shall issue a written report to the Governor and legislature not later than 180 days following the effective date of this act. Upon the issuance of said report, the commission shall terminate.

RESOLVED FURTHER, That, in addition, there is hereby created an interim commission to conduct a comprehensive assessment

of the human and capital resource needs of the state's elementary and secondary schools in the fields of science and mathematics. This assessment shall include: (1) specific recommendations regarding the appropriate number of science and math teachers, (2) measures to encourage current math and science teachers to pursue post-baccalaureate studies in the fields of science and mathematics and (3) programs to promote the overall quality of instruction in the fields of science and mathematics. This assessment shall be conducted by a six-member commission who shall serve without compensation and shall be appointed by the state superintendent of education. The commission shall issue a written report to the Governor and legislature not later than 180 days following the effective date of this act. Upon the issuance of said report, the commission shall terminate.

Approved February 25, 1983

Time: 4:32 P.M.

Act No. 83-173

H.J.R. 99—Reps. Drake, Bowling

HOUSE JOINT RESOLUTION

**MOURNING THE TRAGIC AND UNTIMELY DEATH OF
MR. GRADY NUTT OF LOUISVILLE, KENTUCY.**

WHEREAS, the Legislature of Alabama grievously notes the death of Mr. Grady Nutt of Louisville, Kentucky, in Cullman, Alabama, November 23, 1982, at the early age of just 47 years; and

WHEREAS, Mr. Nutt's untimely death was the result of a tragic airplane crash upon take-off from Cullman following appearances as guest speaker for the annual Farm-City Banquet and for a large gathering of Cullman County youths at the First Baptist Church; and

WHEREAS, Mr. Nutt was perhaps most widely known for his longtime association with the nationally telecast "Hee Haw" show as the warm and wonderfully funny comedian we welcomed into our homes, grateful for the laughter he brought each week into our lives and hearts; and

WHEREAS, the death of the beloved Grady Nutt has indeed left a deep void in the lives of those privileged to know him as a loving and generous human being to whom everyone was special, and all of whom were recipients of his love and concern; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING,** That even as we give

thanks for his life, we also are deeply and sorely saddened by the death of Mr. Grady Nutt of Louisville, Kentucky.

BE IT FURTHER RESOLVED, That we extend our very deepest and heartfelt sympathy to his wife, Mrs. Eleanor Nutt, to their two young sons, Perry and Toby, and other family members to whom a copy of this resolution shall be sent that they may know of our love and concern for them in their time of such great sorrow.

Approved February 25, 1983

Time: 4:32 P.M.

Act No. 83-174

H.J.R. 100—Reps. Casey, Laird, Ashley, Drake, Adams, Albright, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Clark, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Goodwin, Grimsley, Grouby, Hall, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Junkins, Kennedy, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Preuit, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright

HOUSE JOINT RESOLUTION

COMMENDING AND HONORING WILLIAM M. "BILL" RUSHTON.

WHEREAS, William M. "Bill" Rushton is known to this Legislature to have given of himself, in the service of the State of Alabama, first as Assistant Director of the Alabama Development Office and now as the Director of the Office of State Planning and Federal Programs, and

WHEREAS, Bill Rushton, through personal sacrifice and persistent effort, not only overcame and conquered the disease of alcoholism, which tortures the human mind, body and spirit, but also unselfishly and freely gave his time and effort to the establishment of the first Alabama Prison System Alcoholics Anonymous Chapter and continued to work in the program for many years thereafter, and

WHEREAS, Bill Rushton volunteered his time and efforts to speak publicly at the state conventions for Alcoholics Anonymous in many states including Georgia, Mississippi, Tennessee, Florida, and Texas and also spoke publicly at other places and functions and worked diligently to help others afflicted with this dread disease, to overcome their illness, and

WHEREAS, through personal effort and self-sacrifice, Bill Rushton has had an extremely positive effect on the lives of many, and has become an individual of high success and achievement to whom others can look up to in admiration and respect, and whose life and accomplishments can, and have given, hope to others who are or have been in need of hope in their darkest hours, and

WHEREAS, Bill Rushton, has a lovely and admiring family, including his wife Billie and daughter Kim, to whom he has been a loving and caring husband and father, and both of whom are dearer to him than wealth or fame could ever be, and

WHEREAS, the Legislature holds this man in the highest esteem for his past efforts and accomplishments, for his present service to the State of Alabama and his fellowman, and for what we have every confidence to believe will be a future of continued successes and accomplishments, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, that we most highly commend and honor William M. "Bill" Rushton for his outstanding accomplishments, for his unselfish and valuable service given to his fellowman, and for his contributions to the government of the State of Alabama.

BE IT FURTHER RESOLVED, that copies of this resolution be provided for Mr. Rushton, his wife, his daughter, and for Governor George C. Wallace, to insure that he is informed of the Legislature's feelings in these regards.

Approved February 25, 1983

Time: 4:32 P.M.

Act No. 83-175

H. 31—Rep. Thomas

AN ACT

Relating to Wilcox County; to set the compensation for certain clerks in the probate judge's office; to provide for pay periods, source of funding and for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The chief clerk in the Wilcox County probate judge's office shall receive a salary equal to the highest salary paid the commissioner's chief clerk, the tax assessor's chief clerk or the tax collector's chief clerk. Said salary shall equal the highest salary of a single chief clerk not the salary of all chief clerks combined.

Section 2. The assistant clerk in the Wilcox County probate judge's office shall receive a salary equal to 20% less than the salary paid the probate judge's chief clerk.

Section 3. The salaries paid to the chief clerk and the assistant chief clerk in the probate judge's office shall be paid on a bi-weekly basis. Said salaries shall be paid from money in the county general fund.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. The provisions of this act shall be retroactive to October 1, 1982.

Approved February 28, 1983

Time: 3:30 P.M.

Act No. 83-176

H.14—Reps. Zoghby, Mathis, Williams,
Box, Rains, Brooks.

AN ACT

To provide further for visitation rights of grandparents of minor children in certain cases of divorce or death and repeals Section 30-3-3, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. At the discretion of the court, visitation rights for grandparents of minor grandchildren shall be granted in the following cases:

(a) Divorce proceedings, whether granted previously or subsequently to the effective date of this Act; and

(b) Situations concerning the death of a parent related by blood to the grandparents.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed and specifically, Section 30-3-3, Code of Alabama 1975, is repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 28, 1983

Time: 3:30 P.M.

Act No. 83-177

H.6—Reps. Brooks, Hall, Freeman,
Newman, Lauderdale,
Nicholson, Hettinger, Scott,
Richardson, Box, Zoghby,
McKee, Wilson, Albright,
Dutton, Cosby, Williams,
Clikas, Butler, Smith,
Murphy, Starr, Browder,
Coleman, Coburn, Harvey,
Gaston, Grimsley, Mathis,
Junkins

AN ACT

To amend Section 13A-7-42 of the Code of Alabama 1975, defining the criminal offense of second degree arson, so as to provide further for such offense.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 13A-7-42 of the Code of Alabama 1975 is hereby amended to read as follows:

“§ 13A-7-42.

“(a) A person commits the crime of arson in the second degree if he intentionally damages a building by starting or maintaining a fire or causing an explosion.

“(b) A person does not commit a crime under subsection (a) if:

“(1) No person other than himself has a possessory or proprietary interest in the building damaged; or if other persons have those interests, all of them consented to his conduct; and

“(2) His sole intent was to destroy or damage the building for a lawful and proper purpose.

“(c) The burden of injecting the issue of justification in subsection (b) is on the defendant, but this does not shift the burden of proof.

“(d) A person commits the crime of arson in the second degree if he intentionally starts or maintains a fire or causes an explosion which damages property in a detention facility or a penal facility, as defined in section 13A-10-30 of this Code, with reckless disregard (because of the nature or extent of the damage caused or which would have been caused but for the intervention of others) for the safety of others.

“(e) Arson in the second degree is a Class B felony.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 28, 1983

Time: 3:30 P.M.

Act No. 83-178

H. 33—Reps. Albright, Coleman, Blake,
Howard, Ashley, Thornton,
Trammell

AN ACT

To provide additional revenue from which to pay interest on funds advanced the Alabama Unemployment Compensation Trust Fund for the payment of benefits; to establish a special fund in the state treasury to receive such revenue; to provide for the accumulation of interest on monies deposited into the special fund; to authorize expenditures from the special fund; and to provide for its dissolution.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other contributions required to be paid by the provisions of Section 25-4-51 and 25-4-54 of the 1975 Code of Alabama as last amended, when the Unemployment Com-

pensation Trust Fund of this state is utilizing monies advanced by the federal government under the provisions of 42 USC 1321, each employer shall be assessed an additional rate solely for the purpose of paying interest due on such federal advances. The additional rate assessed to any employer shall be determined by dividing the estimated amount of interest to be paid on such advanced monies by ninety-five (95%) percent of the total taxable wages paid by all Alabama employers during the immediately preceding calendar year. The amount to be paid by each employer shall be the product obtained by multiplying such employer's total taxable wages for the calendar year immediately preceding the calendar year during which the utilization of advances became necessary by the rate as heretofore determined by provisions of this Section. Each employer shall be notified of the amount of his or its assessment as required by this section not later than the 30th day of June next following. Such amount shall be due and payable within 30 days of said notice and shall become delinquent on the day following such 30 days. Interest and penalties prescribed by the provisions of Sections 25-4-132 and 25-4-133 of the Code of Alabama 1975, as last amended, shall be applied to late payments to the same extent and at the same rates as is provided for delinquent contributions. Procedures for enforcing payment of amounts due including interest and penalty, by any employer shall be as prescribed by Section 25-4-134 of the 1975 Code of Alabama as last amended. Nothing contained herein shall prevent the director of industrial relations from postponing the implementation of this section 1 for one calendar year provided such postponement shall not delay collection later than required to repay accumulated interest when it becomes due to be paid nor shall it prevent him from making any further assessment if additional advances are made and/or additional interest becomes due, however, no assessment shall be made after the provisions of section 3 of this act have been fulfilled.

Section 2. There is hereby created in the state treasury a special fund, to be known as the "Special Federal Advance Interest Repayment Fund," into which shall be deposited all monies collected under the provisions of Section 1 of this Act. All monies in the Special Federal Advance Interest Repayment Fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the state treasury. Monies in this fund may be used by the director for payment of interest on monies advanced by the federal government, shall be continuously available to the director for expenditures in accordance with the provisions of this Act and appropriate federal laws and shall not lapse at any time. Any interest earned by the state treasurer on monies in this special fund shall accrue to the special fund.

Section 3. Payment of any assessment as provided under Section 1 of this Act shall be discontinued for the calendar year next following the calendar year during which all interest due to be paid on all advances has been paid and there are no further advances upon which interest will accumulate.

Section 4. When payment of assessments have been discontinued under the provisions of Section 3 of this Act, and all obligations of the director for interest on advances have been met all remaining monies in the Special Federal Advance Interest Repayment Fund shall be transferred to the state's Unemployment Trust Fund Account and may thereafter be expended only in such manner and for such purposes as other monies in the Fund may be expended.

Section 5. All laws and parts of laws in conflict herewith are hereby repealed.

Section 6. Any provisions of this Act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are severable.

Section 7. This Act to take effect immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved February 28, 1983

Time: 3:30 P.M.

Act No. 83-179

S.J.R. 37—Senator Amari

SENATE JOINT RESOLUTION

COMMENDING HOWARD K. LYNAM EASTERN AREA CHAMBER OF COMMERCE CITIZEN OF THE YEAR-1982.

WHEREAS, the Alabama Legislature is pleased to note the selection of Birmingham's Howard K. Lynam as Citizen of the Year-1982 by the Eastern Area Chamber of Commerce; and

WHEREAS, a resident of Birmingham for the past 35 years and a prominent area insurance executive, Mr. Lynam has served his community as a member of the Birmingham Industrial Development Board, the Birmingham Pardon and Parole Board, a Director of the Alabama Industrial School for Boys, among numerous other community service organizations; and

WHEREAS, Mr. Lynam's activities extend further to include longtime membership in the Birmingham-East Rotary Club, and the

Concordia Lutheran Church where he is both faithful in attendance as well as in service in all areas of church involvement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Citizen of the Year Howard K. Lynam of Birmingham, Alabama; we further direct that Mr. Lynam receive a copy of this resolution that he and his wife, Jane, and sons, Michael and Bruce, may know of our sincere warm praise and regard.

BE IT FURTHER RESOLVED, That we acknowledge Howard K. Lynam as the political "Godfather" of the eastern section and that he be recognized by the community for this distinction.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-180

S.J.R. 38—Senators Mitchem and Barron

SENATE JOINT RESOLUTION

COMMENDING JACKSON COUNTY SHERIFF WILLIAM R. (BOB) COLLINS.

WHEREAS, former Sheriff William R. (Bob) Collins of Scottsboro, Alabama, a highly decorated combat veteran of World War II under General George Patton's command, is the only sheriff ever to be elected to four terms to the office of sheriff in Jackson County; and

WHEREAS, Sheriff Collins also was elected to each term without a run-off, and he now serves as supernumerary sheriff, Alabama's first former sheriff to elect to serve in said capacity; and

WHEREAS, a former businessman and State Trooper, Sheriff Collins is an active member of the First United Methodist Church of Scottsboro, member of the Alabama Sheriff's Boys and Girls Ranch and a member, past president and current executive committeeman of the Alabama Sheriff's Association; and

WHEREAS, he also is a member of the Alabama Peace Officers Association, Masonic Lodge Scottsboro No. 357, Cahaba Temple Shrine, Eastern Star Chapter No. 202, Cattlemen's Association, Jackson County Shrine Club, Hi Jackson F.O.P., American Legion Post No. 30, Fallen Comrades Post No. 6073 of the VFW and the Advisory Board of Northeast Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we commend, most highly, Jackson County Sheriff William R. (Bob) Collins on his outstanding law enforcement career and his numerous community activities.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Sheriff Collins that he may be aware of our sincere praise, deep appreciation and regard.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-181

S.J.R. 42—Senator B. Smith

SENATE JOINT RESOLUTION

COMMENDING THE HUNTSVILLE ALABAMA CITY COUNCIL ON ITS INITIATIVE APPROACH TO A GOAL OF COMBATING THE DRUNK DRIVER PROBLEM IN THE CITY OF HUNTSVILLE.

WHEREAS, the Huntsville, Alabama, City Council is indeed to be commended on the creation of a Steering Committee to study the feasibility of a Task Force to establish means of combating the problem of drunk drivers; and

WHEREAS, the committee was created in response to a request of the Huntsville-Madison County Chapter of Mothers Against Drunk Drivers, an organization strongly supported by the council for its past and continuing efforts to effectively attack a problem in the City of Huntsville that, in 1981, had escalated to the highest per capita alcohol-related accident rate in the entire state; and

WHEREAS, with the establishment of said Steering Committee, the Huntsville City Council has taken an affirmative first step toward coordinating efforts to improve public policies with respect to drunk driving and substance abuse which further contributes to the overall problem; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the members of the City Council of the City of Huntsville, Alabama, for their establishment of a Steering Committee to study the feasibility of the formation of a Task Force to establish effective methods of attack against the drunk driver problem in their area.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-182

S.J.R. 43—Senator B. Smith

SENATE JOINT RESOLUTION

CREATING A JOINT LEGISLATIVE COMMITTEE ON INDUSTRIAL EXPANSION, ECONOMIC GROWTH AND JOBS AND REPEALING ACT NO. 91, SJR 3, FIRST SPECIAL SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there shall be joint study committee on industrial expansion, economic growth, and jobs, which shall be a continuing committee to make a study of any and all aspects of industrial expansion, economic growth, and development, and jobs in the state, hold hearings and inquire into ways and means of improving conditions in the aforementioned areas. The committee shall make a report to the legislature before the 25th legislative day of all future regular sessions of the legislature.

BE IT FURTHER RESOLVED, That the committee shall consist of the members of the Senate Committee on Industrial Expansion, Economic Growth, and Jobs and the House Committee on Commerce and Industrial Development. The chairman of the Senate Committee on Industrial Expansion, Economic Growth, and Jobs shall serve as the Chairman of this committee, and the chairman of the House Committee on Commerce and Industrial Development shall serve as Vice-chairman. The chairman of the committee shall set the schedule and program for committee work, shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee and may appoint subcommittees and invest them with such authority as may be necessary to conduct the committee's business and expedite its work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisition signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. Out of state travel will be allowed for the members of the committee but must be approved by the chairman of the committee and the Lieu-

tenant Governor for the members of the Senate and the Speaker for members of the House. The committee may employ such clerical and expert assistance as the committee may find necessary in performing its duties. Additional assistance shall be provided by the Legislative Reference Service and the Legislative Fiscal Office. The total of all expenses for the committee shall not exceed \$30,000.00.

RESOLVED FURTHER, That Act No. 91, SJR 3, 1983 First Special Session is hereby repealed.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-183

S.J.R. 44—Senator Bishop

SENATE JOINT RESOLUTION

DESIGNATING THE MUSEUM PROPOSED BY ALABAMA MINING MUSEUM, INCORPORATED, AS THE OFFICIAL STATE COAL MINING MUSEUM OF ALABAMA.

WHEREAS, a proposal of the Board of Directors of Alabama Mining Museum, Incorporated, would provide for the establishment of a coal mining museum in Dora, Alabama, the center of our State's coal mining industry, as the first and only such museum of its kind in Alabama; and

WHEREAS, upon completion the museum would house an extensive array of historically authentic coal mining tools and equipment, as well as replicas of same, and would otherwise tell, through exhibits and displays, the history of this major industry in the State of Alabama; and

WHEREAS, not only would such a museum stand as a monument to Alabama's coal mining industry and to our State's awesome deposits of this vital natural resource, but would also serve to promote tourism in Alabama and, at the same time, impart a better understanding of the importance of our coal mining industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the proposed museum to be located in Dora, Alabama, and established by Alabama Mining Museum, Incorporated, is hereby designated and shall forever be known as the official State Coal Mining Museum of Alabama.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-184

S.J.R. 45—Senator Dixon

SENATE JOINT RESOLUTION

CREATING A JOINT INTERIM COMMITTEE TO OVERSEE THE IMPLEMENTATION OF ACT NO. 80-381, WHICH CREATED THE ALABAMA HUMAN RESOURCES BOARD.

WHEREAS, the Legislature of Alabama, on May 7, 1980, passed Act No. 80-381, S. 318, 1980 Regular Session, which established the Alabama Human Resources Board; and

WHEREAS, the legislative intent of this Act was to utilize all available manpower in the state; and

WHEREAS, when the Act was passed, the Department of Health and Human Services ruled that it was contrary to existing federal law; and

WHEREAS, in 1981, the U.S. Congress passed the Omnibus Reconciliation Act, P.L. 97-35, which so altered federal statutes that Act No. 80-381 is no longer inconsistent with them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Oversight Committee of the Legislature to monitor the implementation of Act No. 80-381, S. 318, 1980 Regular Session. The committee shall be composed of three members of the House and three members of the Senate, to be appointed by the presiding officer of each body. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

BE IT FURTHER RESOLVED, That upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Total expenditures of the committee shall not exceed \$7,000.00.

The Committee shall be dissolved at the end of this Legislative

term.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-185

S.J.R. 47—Senator Cooley

SENATE JOINT RESOLUTION

CREATING THE CULLMAN COUNTY ELECTED OFFICIALS SALARY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Cullman County, a commission to be known as the Cullman County Elected Officials Salary Commission, hereinafter called "the commission." The commission shall be composed of six members to be selected by the Cullman County legislative delegation. Appointments shall serve at the pleasure of the appointing authority and vacancies shall be filled by the appointing authority. The commission shall select a chairman. The commission shall make its own rules for the conduct of business. Meetings shall be held at the call of the chairman. Members of the commission shall serve without compensation. Administrative support shall be provided by the Cullman County Legislative Office.

The objective of the commission will be to provide information and recommendation regarding salaries of Cullman County elected officials. The specific objectives of the commission shall be described by the Cullman County Legislative Delegation.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-186

S.J.R. 48—Senators Bailey and Covington

SENATE JOINT RESOLUTION

COMMENDING DALE COUNTY SHERIFF JAMES BRYANT MIXON FOR MERITORIOUS PROFESSIONAL ACCOMPLISHMENT.

WHEREAS, of recent note in Alabama, and indeed in the entire United States, was the discovery, near Ozark, Alabama, of perhaps the largest drug operation in the entire Southeast and one of the largest in the nation; and

WHEREAS, primarily as a result of an extensive investigation by Dale County Sheriff James Bryant Mixon, officials confiscated some 7,000 or more marijuana plants with a potential street value of perhaps \$3 million; and

WHEREAS, also seized during the discovery and search were \$250,000 worth of property, buildings and equipment used in connection with the tremendous marijuana cultivation and processing operation; and

WHEREAS, Sheriff Mixon who was most instrumentally responsible for the success of this tremendous drug "bust" is a Dale County native, attended schools in Ozark and is a United States Air Force veteran having served in Thailand during the Viet Nam Conflict; and

WHEREAS, he is a graduate of Auburn University with a B.S. degree in Criminal Justice, of Troy State University where he earned his Masters' degree and, prior to his election as Sheriff in 1982, had served for several years with the Department of Youth Services in Dale County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most sincerely praise and commend Sheriff James Bryant Mixon of Dale County, Alabama, for meritorious professional accomplishment and as one of our State's most outstanding law enforcement officers.

BE IT FURTHER RESOLVED, That Sheriff Mixon be presented with a copy of this resolution, evidencing our utmost admiration and deep appreciation for his most significant contribution to the safety and well being of the citizens of this State.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-187

S.J.R. 52—Senators Bailey and Corbett

SENATE JOINT RESOLUTION

REQUESTING THAT THE SECRETARY OF THE ARMY EXERCISE HIS AUTHORITY TO MAINTAIN NAVIGATION ON THE APALACHICOLA RIVER.

WHEREAS, Tri-Rivers Waterway Development Association has petitioned the Secretary to exercise his authority to maintain navigation on the Apalachicola River, citing his authority under the Federal Clean Water Act; and

WHEREAS, the Florida Department of Environmental Regulation (DER) is withholding the granting of a permit for the Corps of Engineers to remove rocks from the navigation channel despite the fact that DER finds no biological or hydrological reason to deny the permit. DER maintains that the proposal must meet the approval of adjacent Florida counties and that the counties do not have to give reasons; and

WHEREAS, Congress authorized a 9 by 100 foot channel from Columbus, Ga., and Phenix City, Alabama, via the Apalachicola to the Gulf of Mexico in 1946. The channel has been assured in the Alabama and Georgia segment of the waterway but still has not been achieved in the 107 mile Florida segment, due largely to objections by Florida. Tri-Rivers counsel terms the Florida objections "arbitrary and capricious"; and

WHEREAS, the current rock relocation project came about as a partial measure to increase channel depth during low water periods after Florida had rejected all structural solutions proposed by the Corps; and

WHEREAS, private industries in Alabama and Georgia have invested more than \$3.5 billion in facilities along the waterway on the promise that the authorized channel would be provided; and

WHEREAS, the availability of cheap barge transportation reduces the price farmers pay for fertilizer throughout the Tri-State area and increases the price they receive for soybeans, corn and wheat sold at river grain elevators; and

WHEREAS, attaining the authorized channel, according to Corps of Engineers projections, would make a difference in 1990 of 32,689 industrial and related service jobs with earnings of \$280,647,360. Alabama and Georgia has the greatest stake in these jobs, since 89 percent of the increase would take place in Alabama and Georgia; and

WHEREAS, clearly, Florida is hindering interstate commerce and preventing badly needed economic growth in the two neighboring states; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, Respectfully requests that the Secretary of the Army exercise his authority to maintain navigation on the Apalachicola River.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-188

S.J.R. 53—Senators Bedsole, Boyington
and Menton

SENATE JOINT RESOLUTION

URGING THE MOBILE COUNTY COMMISSION TO ASSUME ITS CONSTITUTIONAL RESPONSIBILITY IN PROVIDING AID TO THE UNIVERSITY OF SOUTH ALABAMA MEDICAL CENTER.

WHEREAS, the Mobile County Public Hospital Board was incorporated as a public corporation pursuant to Act No. 46, S. 154, 1949 Regular Session of the Legislature; and

WHEREAS, in the 1967 Regular Session, by Act No. 770, H. 698, all the authority, powers, liabilities, duties and functions of the Mobile County Public Hospital Board was transferred to the University of South Alabama Hospital; and

WHEREAS, the University of South Alabama Medical Center has provided the city and county of Mobile with emergency medical services; the medical center's emergency room being the main trauma center for southwest Alabama; and

WHEREAS, the Medical Center has performed a humanitarian duty in providing medical services to the indigent, poor and needy; and

WHEREAS, courts have held that the government has a mandatory and imperative duty to make suitable provision for its needy citizens who are unable to provide for themselves, and laws to that end fall within the police power of the state; and

WHEREAS, the power of the county to take care of the poor is the power of the state delegated to the county; and

WHEREAS, Section 88 of the Constitution of Alabama of 1901, provides that the several counties of the state are charged with the duty to make adequate provision for the maintenance of the poor; and

WHEREAS, Amendment No. 275 to the Constitution of Alabama of 1901 provides that the governing body and any city or town in Mobile County may from time to time appropriate county or municipal funds, as the case may be, for the use and benefit of any public hospital located in the county; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge that the Mobile County Commission accept its constitutional responsibility and grant financial aid from time to time, to the Univer-

sity of South Alabama Medical Center so that the main emergency room in the city and county may be able to remain open seven days a week and provide medical services to the poor, needy and indigent.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-189

S.J.R. 58—Senator Goodwin

SENATE JOINT RESOLUTION

TO ESTABLISH THE JOINT INTERIM COMMITTEE ON STUDY OF THE CAHABA RIVER.

WHEREAS, there is a great need to study the Cahaba River for preservation and tourism; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there shall be an interim committee to study the Cahaba River for the purpose of investigating its potential for use as a recreational, educational and tourist attraction and such committee is hereby established. The committee shall be composed of the members of the Senate Standing Committee on Agriculture, Conservation and Forestry and the House Standing Committee on Natural Resources. The members shall elect a chairman and co-chairman from among its members and meetings shall be at the call of the chair or upon the request of six members in writing. The committee shall form its own rules for the conduct of its meetings. The legislative members of the committee shall receive their regular legislative compensation to be paid from funds appropriated to the legislature. The total compensation paid to the members of this committee shall not exceed \$4,000. The final report of the committee, along with findings and recommendations shall be submitted to the legislature no later than the fifth legislative day of the 1983 Regular Session. Upon the submission of the final report, the committee shall stand dissolved.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-190

S.J.R. 60—Senator Amari

SENATE JOINT RESOLUTION

EXPRESSING THE CONCERN OF THE ALABAMA LEGIS-

LATURE FOR OUR NATION'S ELDERLY CITIZENS.

WHEREAS, in these current days of economic hardship, most particularly for the elderly citizens of Alabama and the nation, it is the incumbency of elected officials to seek solutions to aid those most in need and to propose adequate prevention methods whereby future hardships for the aged and infirm can be forestalled; and

WHEREAS, Social Security legislation which calls for future decreases in benefits and for punitive eligibility requirements can only serve to increase the financial woes of future recipients and the anxieties of those approaching retirement age; and

WHEREAS, in concurring sentiment with organizations pledged to benefit Alabama's aged, and senior citizens nationwide, the Alabama Legislature is gravely concerned for our future generations of elderly Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express consternation and compassionate concern for the plight of today's aged and aging citizens, and respectfully request that the United States Congress remain cognizant of the pressing needs of our nation's elderly citizens.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to advise members of the Alabama Congressional Delegation, by copies of this resolution, of the sentiment of the Alabama Legislature regarding the aging citizens of our State and Nation.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-191

S.J.R. 49—Senator Bailey

SENATE JOINT RESOLUTION

DEDICATING TROOP K, DRIVER LICENSE OFFICE AT DOTHAN IN MEMORY OF TROOPER MARVETTE HOLMES.

WHEREAS, Trooper Marvette Holmes served as a State Trooper from November 1963; he transferred to the Driver License Division, Department of Public Safety in 1970, where he served until his death in July 1982; and

WHEREAS, he served the people of Alabama with integrity and dedication throughout his law enforcement career; Trooper Holmes was a man of highest morals and performed his duties in a

fair and impartial manner that commanded respect from his fellow officers and those he served; and

WHEREAS, Trooper Holmes was always prepared to serve in emergencies, to assist his fellowman in whatever capacity necessary, to stay and keep the task under control until relieved or the task was completed; and

WHEREAS, construction was completed in the summer of 1982, but Trooper Holmes never worked in the Driver License Office at Dothan due to a fatal heart attack; and

WHEREAS, to honor Trooper Marvette Holmes, the Driver License Division, Department of Public Safety has approved the dedication of the Troop K, Driver License Office located at Dothan as a memorial to Trooper Marvette Holmes, a servant to his fellowman who served with honesty and integrity from 1963 until 1982; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Troop K, Driver License Office at Dothan is hereby dedicated in memory of Trooper Marvette Holmes.

BE IT FURTHER RESOLVED, That proper authorities are authorized to place in said office an appropriate plaque and portrait as a permanent reminder of this memorial.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-192

H.J.R. 105—Reps. Sasser, Holmes, Grimsley, Rogers, Moore, Grouby, Lauderdale, Newman, White (F), Venable, Drake, Adams, Ashley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Bryant, Butler, Carter, Clark, Coleman, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin,

Hall, Horn, Howard,
 Johnson (R.G.),
 Junkins, Kennedy,
 Laird, Langford,
 Layton, Lewis,
 McKee, Martin,
 Mathis, Murphy,
 Nevett, Nicholson,
 Owens, Parker,
 Poole, Preuitt, Rains,
 Seibels, Smith,
 Thomas, Trammell,
 Tucker, Turner,
 Waggoner, Warren,
 White (L), Wright.

HOUSE JOINT RESOLUTION

URGING THE CITIZENS OF THIS STATE AND NATION TO REFRAIN FROM THE PURCHASE OF ALL PRODUCTS, GOODS AND EQUIPMENT MANUFACTURED BY ATARI, INCORPORATED.

WHEREAS, the Alabama Legislature, on behalf of the citizens of Alabama and the people of these United States, expresses utter shock and disbelief over the recent announcement by Atari, Incorporated, that its products, in the future, will be manufactured in Hong Kong and Taiwan; and

WHEREAS, such a decision has already resulted in the loss of employment for some 1700 Americans and will of course spell disaster for additional thousands of American workers; and

WHEREAS, the Atari Company, manufacturers of Pac-Man and other video games, indisputably owes its success to the acceptance and open pocketbooks of the American public, a fact that has been totally ignored by such a Judas decision made by perhaps a mere handful of executive ingrates; and

WHEREAS, further, during a time of such grave economic distress in this country, "Buy American" must become a philosophy of life and we can no longer tolerate American manufacturers who adopt a policy of biting the hand that feeds them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge all citizens of Alabama and the entire United States to immediately refrain from the purchase of all products, goods and equipment manufactured by Atari, Incorporated, and its parent corporation, Warner Communications, Incorporated, unless and until a decision

is made to continue their product manufacturing in the United States.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded immediately to officials of the aforementioned manufacturers that they might reassess their loyalties and priorities.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-193

H.J.R. 106—Rep. Lewis

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, February 24, 1983, we adjourn Sine Die.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-194

H. 36—Reps. Holley, Drake, Johnson (Roy), Casey, Coburn, Blake, Moore

AN ACT

To create and establish the Department of Economic and Community Affairs; to provide that: The Office of State Planning and Federal Programs, as created and provided for by Sections 41-9-205 through 41-9-214, Code of Alabama 1975; the Alabama Department of Energy, as created and provided for by Sections 41-6A-1 through 41-6A-11, Code of Alabama 1975; the Alabama Law Enforcement Planning Agency as created and provided for by Sections 41-8A-1 through 41-8A-13, Code of Alabama 1975; the State Manpower Planning Council and CETA Manpower services, as created and provided for by federal laws and Executive Order No. 16, 1971; the Office of Highway and Traffic Safety as created and provided for by federal laws and Sections 32-4-1 through 32-4-7, Code of Alabama 1975; and the Office of Employment and Training, as created and provided for by federal laws and Executive Order No. 34, 1980, are merged into and shall be transferred to said Department of Economic and Community Affairs; to provide that all functions, duties, responsibilities, authority, assets, liabilities, contractual rights and obligations, property rights, appropriations, employees, property and supplies are vested in and transferred to the new agency; to continue the employment and rights and benefits of certain classified employees, whose job classifications are not abolished hereby, to provide for the appointment, term, compensation, duties and authority of the director of the Department of Economic and Community Affairs; to specifically continue the provisions of law relating to any councils and boards and advisory boards of Title 41, Chapter 6A, Code of Alabama 1975, relating to the Alabama Energy Management Act of 1980; Title 41, Chapter 9, Article 8A, Code of Alabama 1975, relating to the Office of State Planning

and Federal Programs; the State Manpower Planning Council (CETA); the Office of Highway and Traffic Safety; the Alabama Law Enforcement Planning Agency; and the Office of Employment and Training; to provide that each of the merged agencies within the said new agency shall be divided into divisions; to provide for divisions and division chiefs and their appointment; and to provide for the change of the name of the State Manpower Planning Council (CETA) to the Office of Employment and Training and to transfer the functions of such council.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established the Department of Economic and Community Affairs within the office of the Governor and directly under his supervision and control. The Department of Economic and Community Affairs shall consist of: The Governor, the Office of State Planning and Federal Programs, the Alabama Department of Energy, Alabama Law Enforcement Planning Agency, the Office of Highway and Traffic Safety, and the Office of Employment and Training as presently created by and provided for in Sections 41-9-205 through 41-9-214, Sections 41-6A-1 through 41-6A-11, Sections 41-8A-1 through 41-8A-4, Sections 41-8A-8 through 41-8A-10, and Sections 41-8A-12 through 41-8A-13, 32-4-1 through 32-4-7, and Executive Order No. 34, 1980, respectively, and in accordance with the applicable federal laws. All respective functions, duties, responsibilities, obligations, property rights, appropriations, employees, property and supplies as provided by said sections, and whether accruing or vesting, are hereby transferred to and vested in the Department of Economic and Community Affairs.

Section 2. Present employees in the classified service of the state merit system within each agency transferred in Section 1 of this Act whose job classifications are not abolished hereinafter, shall continue with the Department of Economic and Community Affairs in such functions deemed necessary to carry out the duties and responsibilities of the Department of Economic and Community Affairs. Other employees necessary to implement the duties and functions of the Department of Economic and Community Affairs may be employed subject to the provisions of the state merit system laws and shall be entitled to the same rights and benefits thereunder. Salaries set for such employees shall not exceed the salary set by law for executive department heads.

Nothing herein shall be construed to prevent or preclude the removal of an employee in a manner provided by this Act, or for cause in a manner provided by law.

Section 3. All appropriations heretofore or hereafter made to: the Office of State Planning and Federal Programs, the Alabama Department of Energy, the Alabama Law Enforcement Planning Agency, the State Manpower Planning Council (CETA), the Office

of Highway and Traffic Safety, and the Office of Employment and Training are hereby consolidated and transferred to the Department of Economic and Community Affairs.

Section 4. (a) The Governor shall appoint a chief administrative officer to be designated as director of the Department of Economic and Community Affairs. Such officer shall serve at the pleasure of the Governor at a salary to be set in the same manner and with the same limitations as otherwise provided by law for executive department heads. The director of the said department shall be a member of such boards, councils and commissions, as they relate to his authority under the provisions of this Act, and as required and currently authorized under the various federal programs and as approved by the Governor.

(b) The Governor through the Department of Economic and Community Affairs shall encourage comprehensive and coordinated planning and programming of economic and community affairs.

Section 5. (a) The director of the Department of Economic and Community Affairs, with the approval of the Governor, may establish such division or divisions as may, in his discretion, be reasonably necessary for the administration and enforcement of any law, rule or regulation with which the department is charged or the performance of any of its functions or duties. Each division in the department shall be headed by and be under the direction, supervision and control of an officer who shall be designated as the chief of such division. All chiefs of divisions shall be appointed by the director of said department, with the approval of the Governor. Before entering upon the discharge of their duties, such chiefs of divisions shall take the constitutional oath of office. Each of such officers shall devote his full time to his official duties and shall hold no other lucrative position while serving as such. The offices or positions of director of any of the merged departments or agencies are hereby abolished.

(b) It is one of the purposes of this Act to coordinate, into one department, the functions of the Office of State Planning and Federal Programs, the Alabama Department of Energy, Alabama Law Enforcement Planning Agency, the Office of Highway and Traffic Safety, and the Office of Employment and Training or any successor thereto. There is hereby established the following divisions: The Office of State Planning and Federal Programs, the Alabama Department of Energy, Alabama Law Enforcement Planning Agency, the Office of Highway and Traffic Safety, and the Office of Employment and Training. The functions of each division shall be administered by a division chief who shall be full-time and salaried as now provided by law. Each division chief shall report to and be under the

supervision of the director of the Department of Economic and Community Affairs.

Section 6. The director of the Department of Economic and Community Affairs may prescribe such reasonable rules and regulations for the conduct of its business and made in accordance with the Alabama Administrative Procedure Act.

Section 7. Legislative Oversight Commission. (a) There is hereby created the Department of Economic and Community Affairs Legislative Oversight Commission to consist of the Chairman and Deputy Chairman of the Senate Committee on Finance and Taxation, three members of the Senate to be appointed by the Lieutenant Governor, the Chairman and Vice Chairman of the House Ways and Means Committee, and three members of the House of Representatives to be appointed by the Speaker of the House.

(b) The Commission shall hold an organizational meeting within thirty (30) days after this bill is enacted, and shall elect a chairman and vice chairman from among its members. Thereafter, the Commission shall meet at least two times annually, and additional meetings shall be held at the call of the Chairman or upon the request of six or more members. Such meetings shall be held with the Director of the Department of Economic and Community Affairs in attendance.

(c) The Commission shall adopt its own rules of procedure for the transaction of business, and a majority of the members present shall constitute a quorum for the purpose of transacting business or performing authorized duties.

(d) Each member of the Commission shall be entitled to his or her regular legislative compensation and per diem and travel expenses for each day he or she attends a meeting or conducts business of the Commission, and such compensation and expenses shall be paid from the funds appropriated for the use of the Legislature.

(e) The Commission shall monitor and evaluate the management and operations of the Department of Economic and Community Affairs, shall recommend to the Legislature the enactment of such laws respecting the Department of Economic and Community Affairs as the Commission shall deem desirable, and shall submit a written report on the operations, finances and grants made by the Department of Economic and Community Affairs during each Regular Session of the Alabama Legislature.

Section 8. All laws or parts of laws, local, special or general, in conflict with the provisions of this Act are hereby specifically repealed.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 1, 1983

Time: 4:32 P.M.

Act No. 83-195

H.J.R. 107—Rep. Payne

HOUSE JOINT RESOLUTION

COMMENDING THE HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLING TEAM AS OUR STATE 4A CHAMPIONS.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to Coach Ronnie Page and his Hewitt-Trussville High School varsity wrestlers on their phenomenal 14-3 season record and the State 4A Championship; and

WHEREAS, it is further to be noted the accomplishments, in state competition, of Hewitt-Trussville wrestlers: Jeff Saxon who was individual State Champion in the 112-pound-class; Tim Minor who claimed his second consecutive championship in the 185-pound-class; and Ricky Everette who placed third in the State in the 105-pound-class; and

WHEREAS, also greatly contributing to the team's acquisition of the title, to their Sectional Championship at Erwin High School, and to other major victories over such outstanding teams as Erwin, Minor, Benjamin Russell, Huntsville and Vestavia were: Jimmy McEntyre, Ricky Everette, Jeff Saxon, Chris Woods, Jimmy Pyle, Todd Lyles, Phil Solwood, Tyson Muncher, Mike Pitts, Charles Cutcliffe and Tim Minor who also participated in the state tournament; and Gray Richardson, Mark Dormady, John Thompson, Kenny Kirkes and Craig Crimm; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Coach Ronnie Page and the Hewitt-Trussville High School 4A Champion Wrestlers.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Page, on behalf of the entire team, with a copy also

provided for appropriate school display.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-196

S. 2—Senators Covington, Foshee,
Aldridge, Keener, Bishop,
Bedford, Kirkland and
Corbett

AN ACT

Requiring contractors on certain public projects to use domestically produced steel under pain of contract revocation for violation.

Be It Enacted by the Legislature of Alabama:

Section 1. Any contractor for a state, county or municipal construction project, financed entirely by the State of Alabama or any political subdivision thereof, within this state is hereby required to use steel produced within the United States when specifications in the construction contract require the use of steel. If, in the opinion of the Highway Director, the procurement of the above mentioned domestic steel products becomes impractical as a result of a national emergency, national strike, or other cause, the Highway Director may waive the above restriction for highway related projects. If, in the opinion of the Director of the Building Commission, the procurement of the above mentioned domestic steel products becomes impractical as a result of national emergency, national strike, or other causes, he may waive the above restriction for building construction.

Section 2. The construction contract with any contractor who violates the domestic steel requirements of Section 1 of this Act shall be automatically revoked and such contractor shall not be entitled to any set-off or recoupment for labor or materials used up to the time of such revocation.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-197

S. 4—Senators Kirkland, Foshee, Parsons,
Covington, Robertson, Teague,
Bedford, Aldridge, Denton, Little
and Barron

AN ACT

To amend Section 9-11-235.1 of the Code of Alabama 1975, so as to provide further for taking or hunting raccoons or opossums at night.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-11-235.1 of the Code of Alabama 1975 is hereby amended to read as follows:

“§ 9-11-235.1. Raccoons or opossums may be legally hunted and taken at night by catching or killing with the use of dogs, a light and a 22-calibre rimfire rifle or pistol using any type 22-calibre rimfire ammunition or a shotgun using No. 6 shot or smaller size shot.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-198

S. 14—Mr. Hilliard

AN ACT

To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, as amended by Act No. 80-315 adopted at the 1980 Regular Session of the Legislature of Alabama approved May 6, 1980, and by Act No. 82-440 enacted at the 1982 Regular Session of the Legislature of Alabama, approved May 4, 1982, and codified in Article 5 of Chapter 54 of Title 11, Code of Alabama 1975: authorizing Class 4, 5, 6, 7, 8 municipalities in this state to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing

that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof, so as to make said Act as amended applicable to Class 1, 2 or 3 municipalities in the state to include projects providing hotel, motor inn, amending title to encompass amendment made in said Act No. 82-440 and ratifying and confirming said Acts 80-315 and 82-440, permitting municipalities, under certain conditions, to lease or sell municipal properties for such projects, as heretofore provided, and to except contracts incident to such projects from competitive bidding.

Be It Enacted by the Legislature of Alabama:

Section 1. That the title of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama, approved August 8, 1979 (herein called "Act No. 79-722"), as heretofore amended by Act No. 80-315 adopted at the 1980 Regular Session of the Legislature of Alabama approved May 6, 1980, and by Act No. 82-440 adopted at the 1982 Regular Session of the Legislature of Alabama, and approved May 4, 1982, and codified in Article 5 of Chapter 54 of Title 11, Code of Alabama 1975, pocket part, shall be and is hereby amended to read as follows:

"Relative to Class 1, 2, 3, 4, 5, 6, 7 and 8 municipalities in this state authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, excluding specifically public dormitories or student housing facilities for institutions of higher learning, but including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such

municipality from making contributions to the cost of any such properties and from furnishing land therefor except that municipal property may be leased or sold for fair market value or rental to be conclusively determined by the governing body of the municipality owning such property; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof, and to add a section to said Act 79-722 providing that contracts incident to projects acquired, contracted or financed hereunder shall be exempt from certain competitive bid laws, applicable to municipalities."

Section 2. That Section 1 of Act No. 79-722, as heretofore amended, (Section 11-54-140, Code of Alabama 1975, pocket part) shall be and is hereby further amended to read as follows:

"Section 1. **DEFINITIONS.** Wherever used in this act, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations: "Municipality" means either, as the case may be, any Class 1, 2, 3, 4, 5, 6, 7 and 8 incorporated city in this state "Project" means any land and any building or other improvement thereon, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by any commercial enterprise in furnishing hotel, excluding specifically public dormitories or student housing facilities for institutions of higher learning, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; "Governing body" means the board or body in which the legislative powers of the municipality are vested; "Mortgage" means a mortgage or a mortgage and deed of trust."

Section 3. Said Act No. 79-722 is further amended by the addition thereto of the following Section 11A thereto:

"Any municipality when acting pursuant to the authority of this act, and all contracts entered into incident to any project acquired, constructed or financed under this act shall be exempt from the provisions and requirements of Sections 41-16-50 through 41-16-63 which provide for competitive bids in connection with certain contracts."

Section 4. Section 9 of said Act 79-722 (Section 11-54-148,

Code of Alabama 1975, pocket part) is hereby amended to read as follows:

“No municipality shall have the power to pay out of its general funds or otherwise contribute any part of the costs of acquiring a project, and shall not have the power to use land already owned by the municipality, or in which the municipality has an equity, for construction thereon of a project or any part thereof; provided, however, that municipal property which is not needed for public or municipal purposes may be sold for fair market values to be conclusively determined by the governing body of the municipality owning such property. The entire cost of acquiring any project must be paid out of the proceeds from the sale of bonds issued under the authority of this article; provided, however, that this provision shall not be construed to prevent a municipality from accepting donations of property to be used as a part of any project or money to be used for defraying any part of the cost of any project.”

Section 5. The provisions of this act are cumulative and are not intended to be in conflict with the provisions of any similar code or statutory provision, or to restrict any powers otherwise granted to any municipality.

Section 6. Act No. 79-722, Act No. 80-315 and Act No. 82-440, now codified as Article 5 of Chapter 54 of Title 11, Code of Alabama 1975, pocket part, as herein amended, are hereby adopted, approved, ratified and confirmed in all respects.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 1, 1983

Time: 4:29 P.M.

Act No. 83-199

S. 16—Senator Hilliard

AN ACT

To amend Section 11-54-80, as heretofore amended, to include as permissible projects hotels, motor inns.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-54-80, Code of Alabama 1975, as heretofore amended, is hereby further amended to read as follows:

“Section 11-54-80. Definitions. Wherever used in this division, unless a different meaning clearly appears in the context, the follow-

ing terms shall be given the following respective meanings:

(1) **INDUSTRIAL DEVELOPMENT BOARD OR BOARD.** Any industrial development board organized pursuant to the provisions of this division.

(2) **MUNICIPALITY.** Any incorporated city or town in this state with respect to which an industrial development board may be organized.

(3) **PROJECT.**

a. Any land and any building or other improvement thereon and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by the following or by any combination of two or more thereof:

1. Any industry for the manufacturing, processing or assembling of any agricultural, manufactured or mineral products.

2. Any commercial enterprise in storing, warehousing, or distributing any products of agriculture, mining, or industry, or providing hotel, motor inn services, specifically excluding public dormitories or student housing facilities for institutions of higher learning including food or lodging services or both; and

3. Any enterprise for the purpose of research in connection with:

i. Any of the foregoing;

ii. The development of new products or new processes;

iii. The improvement of existing products or known processes;

or,

iv. The development of facilities for the exploration of outer space or promotion of the national defense;

4. Any utility for the production of electricity by water power; provided, that, except in connection with a project described in subparagraph (3)a.4. above, "project" does not include facilities designed for the sale or distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities.

b. Any project may consist of or include any facility necessary or appropriate for use by any industry or enterprise of the character described in the first sentence of this subdivision, including, without limiting the generality of the foregoing:

1. Office facilities designed for use by any such industry or enterprise not only in connection with its operation in this state, but

also for use by it as national, regional or divisional offices in the management and supervision of its manufacturing, processing, assembling, storing, warehousing, distributing, selling or research operations, wherever located; and

2. Facilities for or useful in the control, reduction, abatement or prevention of pollution of air or water or both.

(4) **GOVERNING BODY.** The board or body in which the general legislative powers of the municipality are vested.

Section 2. The provisions of this Act are cumulative and are not intended to be in conflict with any similar code or statutory provision.

Section 3. All hotels and motel inns built under this Act shall not be exempt from ad valorem taxes.

Section 4. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

Section 5. This amendment does not pertain to restaurants or food service operations which are not a part of hotels or motor inns mentioned above.

Approved March 1, 1983

Time: 4:27 P.M.

Act No. 83-200

S. 27—Senator Smith (J)

AN ACT

Relating to elections; authorizing the use of a greater variety of vote tabulating equipment including electronic vote counting systems; providing for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; creating the Alabama Electronic Voting Committee, its membership, meetings and authority; prescribing certain duties for the Secretary of State; providing definitions and procedures for implementation of the provisions of the Act; prescribing that the provisions of this Act shall be cumulative; specifically prescribing that no provision herein shall be construed to repeal any provision of Title 17, Chapter 9, Code of Alabama 1975, relating to voting equipment, unless in direct conflict herewith; and limiting the authority of the Alabama Electronic Voting Committee to only the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title.

This Act shall be known as The 1983 Election Reform Act.

Section 2. Definitions of terms.

For the purposes of this Act, the following terms shall have the

meanings respectively ascribed to them by this section:

(a) **Electronic Vote Counting System.** A system in which votes are recorded on a paper ballot or on a ballot card by means of marking or by means of punching, and such votes are subsequently counted and tabulated by automatic tabulating equipment at one or more counting locations.

(b) **Automatic Tabulating Equipment.** Such term shall include any apparatus necessary to examine and count automatically votes designated on ballots, and data processing machines which can be used for counting ballots and tabulating results.

(c) **Ballot.** Such term shall include ballot cards, ballot labels, and paper ballots.

(d) **Ballot Card.** A ballot which is voted by the process of punching or marking.

(e) **Ballot Label.** A card, paper, booklet, or other material which contains the names of the offices and candidates and statements of questions to be voted on.

(f) **Committee.** The Alabama Electronic Voting Committee.

Section 3. Requirements for Approval.

(a) The governing body of any county or municipality or other political subdivision of the state may, in its discretion, by adoption of an appropriate resolution, authorize, adopt, and direct the use of electronic vote counting systems for use in all elections held in such county or municipality or other political subdivision or any portion thereof; and such resolution, a copy of which shall be filed with the secretary of state, shall specify the particular type of equipment to be used and a procedure for implementation.

(b) Provided, however, that no such electronic vote counting system shall be used unless it has been constructed so that it shall:

(1) Permit and require voting in secrecy.

(2) Permit each elector to vote at any election for all persons and offices for whom and for which he or she is lawfully entitled to vote; to vote for as many persons for an office as he or she is entitled to vote for; and to vote for or against any question upon which he or she is entitled to vote.

(3) Permit the voter at other than primary elections to vote a straight political party ticket in one operation.

(4) Permit such automatic tabulating equipment to be set to reject all votes for any office or question when the number of votes therefor exceeds the number which the voter is entitled to cast or

when the voter is not entitled to cast a vote for the office or question.

(5) Be capable of correctly counting votes.

(6) When used in primary elections, the automatic tabulating equipment will count only votes for the candidates of one party, reject all votes for an office when the number of votes therefor exceeds the number which the voter is entitled to cast, and reject all votes of a voter cast for candidates of more than one party.

(7) At presidential elections to permit each elector, by one operation, to vote for all presidential electors of a party or independent candidates for president or vice president.

(8) Provide a method for write-in voting.

(9) Be capable of accumulating a count of the specific number of ballots tallied for a precinct; and accumulating total votes by candidate for each office, and accumulating total votes for and against each question for such precinct.

(10) Be capable of tallying votes from ballots of different political parties from the same precinct, in the case of a primary election.

(11) Be capable of automatically producing precinct vote totals in printed, marked, or punched form, or a combination thereof.

(12) Be capable of accurately and correctly tabulating each vote and to have the same so certified.

Section 4. There is hereby created the Alabama Electronic Voting Committee which shall consist of five members. The committee shall consist of Secretary of State, a representative appointed by the Attorney General and one Judge of Probate appointed by the Chief Justice of the Supreme Court who shall serve without pay or reimbursement for expenses. Additionally, one member from the House of Representatives and one member from the Senate, to be appointed by the presiding officer of each house who shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The Judge of Probate shall be chairman. The committee shall meet at the call of the chair or any three members.

Section 5. Examination and Certification of Equipment. It shall be the duty of the Committee to ensure the examination, and certification of electronic vote counting systems in the following manner:

(a) By publicly examining all makes of electronic vote counting systems submitted and certifying whether such systems comply with the requirements of Section 5 of this Act.

(b) By inviting any vendor or company interested in selling electronic vote counting system in Alabama to submit such equipment for examination. The vote counting system shall be certified after a satisfactory evaluation and testing has been performed according to electronic industry standards. For the purpose of assisting in examining such system, the committee shall employ not more than three individuals who are expert in one or more fields of data processing, mechanical engineering, and public administration, who may or may not be state employees and shall require from them a written report of their examination. The vendor submitting a system for certification shall pay to the State of Alabama by depositing with the state treasury for distribution to reimburse the committee in an amount equal to the actual costs, if any, incurred in examining the system. Such reimbursement shall be made whether or not the system is certified. No member of the committee nor any examiner shall have any pecuniary interest in any voting equipment.

(c) After certification of any electronic vote counting system the secretary of state shall make and maintain a report on the system, and as soon as practicable shall send a notice of certification and, upon request, a copy of the report to all governing bodies of the counties of the state. Any electronic vote counting system that does not receive certification shall not be adopted or used at any election. After an electronic vote counting system has been certified, any change or improvement in the system shall be certified by the committee prior to the adoption of such change or improvement by any county. The committee shall not re-examine or recertify the system in its entirety. However, if any of the changes do not comply, the committee shall suspend all sales of the equipment or system in the state until such equipment or system complies with the requirements of this Act.

Section 6. Voting Equipment Information.

Examinations shall be conducted and a report of certification or rejection issued within ninety (90) days following request by vendor or company.

Section 7. Procedure for Implementation of this Act.

(a) So far as practicable, the procedures for voting paper bal-

lots and voting machines as prescribed in Chapters 8 and 9 of Title 17 of the Code of Alabama 1975, shall apply to procedures followed pursuant to this Act.

(b) It shall be the duty of the committee to prescribe other procedures where necessary to achieve and maintain the maximum degree of correctness and impartiality of voting, counting, tabulating, and recording votes, by electronic vote counting systems provided by this Act.

Section 8. Instructions to Voters.

(a) If electronic vote counting systems are used, for the instruction of voters on election day, the election officials shall provide at each polling place one instruction model illustrating the manner of voting. Each such instruction model shall show the ballot arrangement of offices, candidates and questions to be voted on. Such model shall be located at a place which voters must pass to reach the official voting booth.

(b) If electronic voting systems are used, before entering the voting booth each voter shall be offered instruction in voting by use of the instruction model, and the voter shall be given ample opportunity to operate the model. In instructing voters, no precinct official may show partiality to any political party or candidate.

Section 9. Testing of Equipment.

(a) Not more than 10 days prior to the election the officials charged with the responsibility of conducting the election shall have the automatic tabulating equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be given at least forty-eight (48) hours prior thereto by written public service announcement, notices to newspapers and radio and television stations in the county and by filing such notice with the secretary of state. The election officials shall convene, and each shall certify to the accuracy of the test. The test shall be open to the public.

(b) The test shall be conducted by processing a preaudited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each question and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. Such test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above. After the completion of the count, the test

shall be repeated. The programs and ballots used shall be sealed and retained under the custody of the election officials charged with the responsibility of conducting the election.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. The provisions of this Act are cumulative and shall not be construed to repeal or supersede any provision of Title 17, Chapter 9, Code of Alabama 1975, relating to voting equipment, unless in direct conflict herewith.

Section 12. The authority of the Alabama Electronic Voting Committee relative to voting equipment shall be limited to the electronic vote counting equipment authorized under the provisions of this Act and such Committee shall have no authority to examine, approve, disapprove or otherwise affect the use of voting equipment authorized under Title 17, Chapter 9, Code of Alabama 1975.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 1, 1983

Time: 4:26 P.M.

Act No. 83-201

S. 29—Mr. Hilliard

AN ACT

To amend Section 32-5-171, Code of Alabama, 1975, by inserting the words "Section 32-5A-191" in lieu of "Section 32-5-170" where the same appears in said section.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-5-171, Code of Alabama, 1975, is hereby amended to read as follows:

"32-5-171. Arrest without warrant.

A uniformed police officer, state trooper, county sheriff or his deputy or member of a municipal police force may arrest, at the scene of a traffic accident, any driver of a vehicle involved in the accident if upon personal investigation, including information from eyewitnesses, the officer has reasonable grounds to believe that the person by violating Section 32-5A-191, Code of 1975, pocket part (Section 9-102 of Act No. 80-434, Acts of Alabama 1980, p. 604 et seq. as amended by Act No. 81-803, Acts of 1981, pp. 1412 et seq.) contributed to the accident. He may arrest such a person without a

warrant although he did not personally see the violation.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 1, 1983

Time: 4:28 P.M.

Act No. 83-202

S. 33—Senator Teague

AN ACT

To create the position of assistant director of the department of aeronautics, to provide for his appointment, duties and salary.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any and all other positions with the department of aeronautics there is hereby created the position of assistant director of aeronautics. The assistant director of aeronautics shall be appointed by a majority vote of the aeronautics commission who shall set his salary in an amount at \$8,000 less than that received by the director of aeronautics. The aeronautics commission shall establish the duties and responsibilities of said assistant director.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 1, 1983

Time: 4:36 P.M.

Act No. 83-203

S.J.R. 66—Senators Goodwin, Kirkland, Denton, Bailey, Dixon, Robertson, Barron, Little, Mitchell, Menton, Keener, Harrison, Cooley and Bachus

SENATE JOINT RESOLUTION

COMMENDING AND HONORING WILLIAM M. “BILL” RUSHTON.

WHEREAS, William M. “Bill” Rushton is known to this Legis-

lature to have given of himself, in the service of the State of Alabama, first as Assistant Director of the Alabama Development Office and now as the Director of the Office of State Planning and Federal Programs, and

WHEREAS, Bill Rushton, through personal sacrifice and persistent effort, not only overcame and conquered the disease of alcoholism, which tortures the human mind, body and spirit, but also unselfishly and freely gave his time and effort to the establishment of the first Alabama Prison System Alcoholics Anonymous Chapter and continued to work in the program for many years thereafter, and

WHEREAS, Bill Rushton volunteered his time and efforts to speak publicly at the state conventions for Alcoholics Anonymous in many states including Georgia, Mississippi, Tennessee, Florida, and Texas and also spoke publicly at other places and functions and worked diligently to help others afflicted with this dread disease, to overcome their illness, and

WHEREAS, through personal effort and self-sacrifice, Bill Rushton has had an extremely positive effect on the lives of many, and has become an individual of high success and achievement to whom others can look up to in admiration and respect, and whose life and accomplishments can, and have given, hope to others who are or have been in need of hope in their darkest hours, and

WHEREAS, Bill Rushton, has a lovely and admiring family, including his wife Billie and daughter Kim, to whom he has been a loving and caring husband and father, and both of whom are dearer to him than wealth or fame could ever be, and

WHEREAS, the Legislature holds this man in the highest esteem for his past efforts and accomplishments, for his present service to the State of Alabama and his fellowman, and for what we have every confidence to believe will be a future of continued successes and accomplishments, Now Therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, that we most highly commend and honor William M. "Bill" Rushton for his outstanding accomplishments, for his unselfish and valuable service given to his fellowman, and for his contributions to the government of the State of Alabama.

BE IT FURTHER RESOLVED, that copies of this resolution be provided for Mr. Rushton, his wife, his daughter, and for Governor George C. Wallace, to insure that he is informed of the Legislature's feelings in these regards.

Approved March 1, 1983

Time: 4:25 P.M.

Act No. 83-204

S.J.R. 68—Senator Bishop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. JOE ZIFF OF JASPER, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Alabama Legislature notes the death of Mr. Joe Ziff of Jasper, Alabama, on February 16, 1983, at the age of 75 years; and

WHEREAS, a prominent businessman in Jasper, where he had resided for the past 40 years, Mr. Ziff also was involved in numerous of the civic, charitable and religious affairs of the area, and throughout the entire state of Alabama as well; and

WHEREAS, not only was Mr. Ziff the founder of the Jasper Chamber of Commerce but, through the years, had held every available office in the organization, and had further served as a past President of Temple Emmanuel in Jasper; and

WHEREAS, Mr. Ziff's activities extended to include both the local and state presidency of B'nai B'rith, and he was a loyal and avid supporter of Walker State Technical College and the Blue Tie Club; and

WHEREAS, the death of Mr. Joe Ziff has indeed left a deep void in the community he loved and served so well; he was a true first citizen of Jasper, Alabama, and one whose advocacy of community betterment is a cause to be embraced by those who would emulate the driving force of such a model citizen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Joe Ziff of Jasper, Alabama, and extend our very deepest sympathy to his wife, Mrs. Beatrice Ziff, to their son, Mr. Jay Ziff, and other family members to whom a copy of this resolution shall be sent in expression of our shared sorrow and concern for them during this time of such great sorrow.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-205

S.J.R. 71—Senator Kirkland

SENATE JOINT RESOLUTION

COMMENDING MR. WILLIAM M. BROWN UPON HIS INDUCTION INTO THE ALABAMA LIVESTOCK HALL OF FAME.

WHEREAS, in pleased commendation, the Alabama Legislature notes the February 8, 1983, induction of Mr. William M. (Bill) Brown of Atmore, Alabama, into the Alabama Livestock Hall of Fame which was established by the Alabama Cattlemen's Association and the Southeastern Livestock Exposition to bestow highest honors upon the most outstanding of Alabama's cattlemen; and

WHEREAS, a prominent Escambia County agri-businessman, Mr. Brown has been a longtime spokesman for Alabama's \$350 million cattle industry on both local and statewide, as well as on national levels; and

WHEREAS, Mr. Brown, though a native of Conecuh County, has been a resident of the Atmore area since 1956; his holdings have grown from a first year 520-acre farm operation to a present 2400-acre feed and cattle business with other extensive cattle interests including trucking and farm equipment companies; and

WHEREAS, Mr. Brown, who also is a member of Gamma Sigma Delta agricultural scholastic honorary, has been involved since 1962 in cattle industry affairs through the Escambia County, Alabama and National Cattlemen's Associations, playing a prominent role in the promotion and support of this major industry; and

WHEREAS, he has formerly served on the National Cattle Industry Advisory Committee to the United States Secretary of Agriculture, as regional vice president and member of the executive board of the National Cattlemen's Association and as Auburn University Agriculture Advisory Council chairman; he further was *Feedlot Magazine's* 1975 Cattle Feeder of the Year and, in 1976, *Progressive Farmer's* Man of the Year in Service to Alabama Agriculture; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. William M. (Bill) Brown on his many outstanding accomplishments and direct that he receive a copy of this resolution in congratulatory praise of his induction into the Alabama Livestock Hall of Fame.

Approved March 1, 1983

Time: 4:30 P.M.

Act No. 83-206

S.J.R. 72—Senators Kirland, Bedford,
Cooley, Denton, Dixon,
Covington, Little,
Goodwin and Mitchell

SENATE JOINT RESOLUTION

UNITED STATES CONGRESS URGED TO REPEAL THE PROVISIONS RELATED TO WITHHOLDING ON SAVINGS IN THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982.

WHEREAS, the United States Congress enacted the Tax Equity and Fiscal Responsibility Act of 1982 and said act contains provisions requiring withholding on savings by financial institutions; and

WHEREAS, such withholding provisions will severely penalize the elderly and those living on fixed incomes; and

WHEREAS, sufficient laws exist requiring the reporting of income from savings and the reasonable and efficient implementation of those laws will result in the desired goal of greater income in the United States Treasury; and

WHEREAS, the cost to implement such bureaucratic withholding procedures will result in further erosion of the average working saver's economic stability and the ability and incentive to prepare for the education of children and retirement years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urgently call upon the United States Congress to repeal the bureaucratic and unfair withholding provisions of the Tax Equity and Fiscal Responsibility Act of 1982.

BE IT FURTHER RESOLVED, That President Ronald Reagan and Vice President George Bush join in a bipartisan spirit with the United States Congress to lend every effort to see that said provisions of withholding are repealed.

RESOLVED FURTHER, That the Secretary of the Senate cause a copy of this resolution to be sent to each member of the Alabama Congressional Delegation in Washington, D. C., and to each the President and Vice President of the United States so that

they may understand the deep alarm the people of Alabama and the members of the Alabama Legislature feel about the withholding provisions.

Approved March 1, 1983

Time: 4:34 P.M.

Act No. 83-207

H. 8—Rep. Bennett

AN ACT

To amend Section 16-22-6, Code of Alabama, 1975, so as to provide further for payroll deductions for educational employees and for Public Employees' Individual Retirement Account Fund (PEIRAF) created by Act 82-776.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-22-6, Code of Alabama, 1975, is hereby amended to read as follows:

"16-22-6. Each local board of education and Postsecondary Institution shall adopt policies or regulations which will provide for deductions from salaries of its employees or groups of employees wherever a request is presented to the board or Postsecondary Institution by said employees or groups thereof. Such deductions shall be made from salaries earned in at least nine (9) different pay periods and shall be remitted to the appropriate company, association or organization as specified by the employees within ten (10) days following each deduction. The deductions may be made for, but not limited to, tax sheltered annuities, the Public Employees' Individual Retirement Account Fund, membership dues, voluntary contributions, and group insurance premiums. Deductions for membership dues and voluntary contributions shall be made based upon membership lists and forms provided by the employees' organization. Such lists are to be corrected, updated, and returned to the employees' designated organization(s) not later than November 10 of each school year. The 1982-83 membership dues and voluntary contribution authorized, with appropriate yearly adjustments, shall be deducted for each succeeding year unless the employee revokes the deductions in writing on or before September 15 of that year. Voluntary contributions may be revoked by giving a 30 day notice in writing. New authorizations shall be permitted to be added at least twice per year. Upon termination, amounts owed under the authorization of the employee shall be deducted from employee's final pay due. With the exception of membership dues and voluntary contributions, the board of Postsecondary Institution shall not be required to make more than one remittance, of amounts deducted

during a pay period, for a separate type of deduction. Health insurance, life insurance and tax sheltered annuities shall be interpreted as separate types of deductions. When amounts have been correctly deducted and remitted by the board or Postsecondary Institution, said board or Postsecondary Institution shall bear no further responsibility or liability for subsequent transactions." No Board or Postsecondary Institution shall be liable for any error when acting in good faith under the provisions of this Act.

Section 2. This Act as it relates to Postsecondary shall not apply to any four (4) year Postsecondary institution.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except in Postsecondary Institutions which are not deducting at the time of this Act becoming law. Such Institutions shall be covered effective October 1, 1983.

Approved March 1, 1983

Time: 4:31 P.M.

ALABAMA LAWS
And Joint Resolutions
REGULAR SESSION 1983

Act No. 83-208

H.J.R. 2—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

Approved April 26, 1983

Time: 3:41 P.M.

Act No. 83-209

H.J.R. 3—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:00 p.m. on Tuesday, April 19, 1983 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved April 26, 1983

Time: 3:41 P.M.

Act No. 83-210

H.J.R. 4—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, April 19, 1983, we adjourn to meet again on Thursday, April 21, 1983.

Approved April 26, 1983

Time: 3:41 P.M.

Act No. 83-211

H.J.R. 40—Rep. Sasser

HOUSE JOINT RESOLUTION

NAMING THE NEW AVIONICS BUILDING AT THE ALABAMA AVIATION AND TECHNICAL COLLEGE IN OZARK, ALABAMA, THE "HENRY E. HIGHAM AVIONICS BUILDING."

WHEREAS, Colonel Henry E. Higham is a graduate of the University of Alabama with a Bachelor of Science Degree, where he also was a distinguished graduate of the Reserve Officer Training Program, and was awarded a commission in the Regular Army of the United States; and

WHEREAS, following an initial tour of duty in 1938-1939, Colonel Higham resigned his commission to become a teacher and has since alternately pursued careers as an educator and as a military officer; and

WHEREAS, he is a pioneer in vocational education in Alabama and has taught in the field of Industrial Education in Athens, Montgomery and Enterprise, and as a Diversified Occupation Instructor in Ozark; and

WHEREAS, in 1955, he was instrumental in acquiring for the state the first helicopter ever used as a training aid in a high school; he also was responsible for the acquisition of six aircraft engines for use as training aids, as well as complete machine and sheet metal shops; and

WHEREAS, Colonel Higham was recalled to active duty during World War II, and again during the Korean Conflict when his Alabama National Guard Unit was activated; with the Guard, he has continued to maintain proficiency, rising to the grade of Colonel; and

WHEREAS, it is further significant to note that, primarily, it was Colonel Higham's early effort to train Alabama students in aviation skills that led to the establishment of the Alabama Institute of Aviation Technology, now Alabama Aviation and Technical College in Ozark; and

WHEREAS, In recognition of Colonel Higham's distinguished careers, as an educator and military officer, and most particularly for his instrumental efforts leading to the establishment of the Alabama Aviation and Technical College in Ozark, it is our desire that his accomplishments be befittingly acknowledged; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the recently completed Avionics building on the campus of Alabama Aviation and Technical College, the "Henry E. Higham Avionics Building."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said building and that, further, a copy of this resolution be presented to Colonel Higham as a memento of his honorary designation.

Approved April 26, 1983

Time: 3:41 P.M.

Act No. 83-212

H.J.R. 32—Rep. Turnham

HOUSE JOINT RESOLUTION

COMMENDING MRS. ELLEN H. WALKER, PRESIDENT OF THE ALABAMA RETIRED TEACHERS ASSOCIATION.

WHEREAS, for the past two years, Mrs. Ellen H. Walker, president of the Alabama Retired Teachers Association, has provided positive and progressive leadership for said organization; and

WHEREAS, under her leadership, the Association purchased two lots near the Capitol for construction of a home office building and to provide a parking area; and

WHEREAS, during these last two years, a fund-raising campaign also was conducted and sufficient funds were raised by the membership to pay for the lots and for construction of the home office building which is now completed; and

WHEREAS, further, two cost-of-living raises were secured for retired teachers through legislation during this period, with signifi-

cant progress in other areas as well, namely, increased membership and the organization and operation of the Retired Teachers program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Ellen H. Walker for outstanding leadership as president of the Alabama Retired Teachers Association.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the Alabama Retired Teachers Association with a copy also presented to Mrs. Ellen H. Walker in declaration of our sincere warm praise and regard.

Approved April 28, 1983

Time: 4.30 P.M.

Act No. 83-213

H.J.R. 47—Reps. Johnson (Roy), Casey

HOUSE JOINT RESOLUTION

CALLING FOR A JOINT SESSION OF THE ALABAMA LEGISLATURE ON APRIL 26, 1983, AT 1:30 P.M.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the Alabama Legislature be held on April 26, 1983, at 1:30 p.m., in the House Chamber, for the purpose of hearing an address by the Honorable Ernest "Fritz" Hollings of South Carolina.

Approved April 28, 1983

Time: 4:30 P.M.

Act No. 83-214

H.J.R. 18—Reps. Brakefield, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Klikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger,

Holley, Holmes, Horn, Howard,
 Johnson (AL), Johnson (RG),
 Johnson (Roy), Junkins, Kennedy,
 Kvalheim, Laird, Langford,
 Lauderdale, Layton, Lewis,
 McKee, McMillan, Manley,
 Martin, Mathis, Melton, Minus,
 Mitchell, Moore, Murphy, Nevett,
 Newman, Nicholson, Owens,
 Parker, Payne, Penry, Poole,
 Preuitt, Rains, Reed, Rice,
 Richardson, Rogers, Sasser, Scott,
 Seibels, Smith, Starkey, Starr,
 Stout, Thomas, Thornton,
 Trammell, Tucker, Turner,
 Turnham, Venable, Waggoner,
 Warren, White (F), White (L),
 Williams, Wilson, Wright, Zoghby.

HOUSE JOINT RESOLUTION

COMMENDING MISS OZEMA KELLEY OF ELDRIDGE,
 ALABAMA.

WHEREAS, the retirement of Miss Ozema Kelley of Eldridge, Alabama, at the close of the current school year will mark the end of her 42-year career in public school education; and

WHEREAS, Miss Kelley attended Eldridge Junior High School and is a graduate of Carbon Hill High School; she holds the B.S. Degree from Florence State Teachers College and the M.A. Degree from the University of Alabama; and

WHEREAS, her entire teaching career has been at Eldridge Junior High School, where she was a student for nine years for a total of 51 years in the same school; and

WHEREAS, Miss Kelley, a first grade teacher, is professionally affiliated with the Walker County, Alabama and National Education Associations, Classroom Teachers' Association and Alpha Delta Kappa, and she is a lifetime member of the PTA; and

WHEREAS, in 1954, Miss Kelley was recognized as one of Alabama's Gracious Ladies by *The Birmingham News* and she has been a nominee for the *Birmingham Post-Herald* Favorite Teacher, Teacher Hall of Fame and Woman of Achievement Awards; she also is listed in Personalities of the South and is the published author of a book entitled *Innocence*; and

WHEREAS, Miss Kelley further is a member of the Eldridge

Baptist Church where she has been actively involved as a Sunday School teacher for 45 years, Church Training Leader for the Youth Department for 40 years, and Girls' Auxiliary Worker for 25 years; she is a State Approved Worker involved with Church Training for 25 years and with the Woman's Missionary Union for 20 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Miss Ozema Kelley of Eldridge, Alabama, on her distinguished career as a teacher-educator and for her many contributions to the community and church.

BE IT FURTHER RESOLVED, That Miss Kelley receive a copy of this resolution which we tender in sincere praise and highest regard.

Approved April 28, 1983

Time: 4:30 P.M.

Act No. 83-215

H.J.R. 45—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, April 21, 1983, that we adjourn to meet again on Tuesday, April 26, 1983, and Wednesday, April 27, 1983.

Approved April 28, 1983

Time: 4:30 P.M.

Act No. 83-216

S.J.R. 3—Senators Bedsole, Figures, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson,

Proctor, Robertson,
Smith (B), Smith (J) and
Teague

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JUDGE JOSEPH MONROE HOCKLANDER OF MOBILE, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Alabama Legislature notes the untimely death of Judge Joseph Monroe Hocklander of Mobile, Alabama, on March 18, 1983, at the age of just 56 years; and

WHEREAS, though a native of Tuscaloosa, Judge Hocklander, since early childhood, had been a resident of Mobile where he attended public school, graduating from Murphy High School; and

WHEREAS, following military service during World War II as a Corporal in the 82nd Airborne Division, Judge Hocklander entered the University of Alabama where he was to obtain the degree Juris Doctor; and

WHEREAS, Judge Hocklander's distinguished public career, which began as city attorney for the Mobile municipalities of Chickasaw, Satsuma and Mount Vernon, also included service in the Alabama House of Representatives from 1959 until his 1961 appointment to the Mobile County Circuit Court; Judge Hocklander was to so serve for two decades, his last ten years as presiding judge, until his retirement in 1981 due to ill health; and

WHEREAS, in the death of Joseph Hocklander, the City of Mobile and the State of Alabama have lost a distinguished citizen and a truly singular individual; mourned by his peers as a "leader among jurists," Judge Hocklander also was a leader among men, and those who have so greatly benefitted from his legal acumen and civic leadership are sorely bereft in grief; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Judge Joseph Monroe Hocklander of Mobile, Alabama, and extend our very deepest sympathy to his wife, Mrs. Lucille Sullivan Hocklander; their son, Joseph M. Hocklander, Jr.; daughters, Mrs. Ashley Hocklander Johnston and Miss Leann Hocklander, and other family members to whom a copy of this resolution shall be sent, in expression of our shared sorrow and of our concern for them in their great loss.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-217

S.J.R. 4—Senators Bedsole, Figures and
Menton

SENATE JOINT RESOLUTION

HONORING THE VOLUNTEERS OF ALABAMA AND OUR
NATION.

WHEREAS, our nation's greatest resource is its people, and citizen participation, VOLUNTEERISM, which cannot be measured in dollars, but is of enormous value in building a better community, a better State, a better sense of one's own well being; and

WHEREAS, there is no area of the American Experience—education, human services, law enforcement, religion, health care, the arts, the democratic process—that is not strengthened by the contribution of volunteers; and

WHEREAS, a sense of caring and a desire to share have motivated thousands of Alabamians to volunteer their time and services; these volunteers come from all walks of life, represent all ethnic and racial groups, and range from youths to senior citizens—their contributions as varied as their backgrounds; and

WHEREAS, our State's volunteers possess many skills and talents which they most generously and enthusiastically apply to a variety of community tasks in problem solving and meeting human need; and

WHEREAS, the generosity, dedication and achievements of volunteers in their service to others make substantial contributions to the quality of life of all Alabamians; and

WHEREAS, in recognition of the contributions and accomplishments of our nation's volunteers, Governor George C. Wallace has proclaimed April 17-23, 1983, as National Volunteer Week; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with Governor Wallace and the citizens of our great State in honoring the generous and dedicated volunteers in Alabama to whom we are deeply indebted, and to whom we express sincere gratitude for the gifts of their valuable time, energy, financial resources and abilities.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-218

S.J.R. 6—Senators Little, Kirkland, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J) and Teague

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JUDGE BISHOP N. BARRON OF MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama notes with deep sadness and regret the untimely death of Judge Bishop N. Barron of Montgomery, Alabama, on March 9, 1983, at the age of just 58 years; and

WHEREAS, our good friend, Judge Barron, was a former colleague who served two terms in the Alabama House of Representatives prior to his 1978 election to the Senate, where he served until his 1982 appointment by Governor Fob James to the Alabama Court of Criminal Appeals; and

WHEREAS, Judge Barron was a native of Evergreen, Alabama, a graduate of the University of Alabama with a B.S. Degree in Business Administration and a graduate of Jones Law School in Montgomery; and

WHEREAS, a former employee with the Intelligence Division of the Internal Revenue Service and a certified public accountant, Judge Barron also served as City Judge in Montgomery from 1962 to 1969; and

WHEREAS, widely known for his political independence, Judge Barron also was highly regarded for his conservative fiscal philosophy of state government and was acknowledged as an expert in financial management of public funds; and

WHEREAS, in the death of Judge Bishop Barron, the State of

Alabama has lost a faithful public servant, an astute jurist and a man of unblemished character; his death has left us sorely bereft in grief and in mourning for a true first citizen of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of our good friend, Judge Bishop N. Barron of Montgomery, Alabama, and extend our most heartfelt sympathy to his beloved wife, Mrs. Evelyn E. Barron, and their daughter, Brenda, and other family members whose deep loss we truly share.

BE IT FURTHER RESOLVED, that Judge Barron's family receive a copy of this resolution that they may know of our deep concern for them all in their time of such great sorrow.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-219

S.J.R. 7—Senators Smith (B), Smith (J)
and Barron

SENATE JOINT RESOLUTION

COMMENDING THE CHAMPION UNIVERSITY OF ALABAMA-HUNTSVILLE ICE HOCKEY CHARGERS.

WHEREAS, the Alabama Legislature expresses great pride in our own University of Alabama-Huntsville Charger Ice Hockey Team on its capture of the U. S. National Club Ice Hockey Championship for the second consecutive year; and

WHEREAS, in the championship game on March 5, 1983, the UAH Chargers defeated the Penn State Nittany Lions by a score of 5-4, bringing their 1982-83 season to a close with a 26-7-2 win-loss record and, for the past four seasons, 109-11-3 overall; and

WHEREAS, the game which was played at the Von Braun Civic Center was attended by 4,334 ice hockey enthusiasts, which boosted the Chargers' '82-83 game attendance to over 80,000; and

WHEREAS, it is to be further noted that Coach Doug Ross' Champion Chargers not only took the national championship for the second year in a row, but also placed three players—Bob Quaile, Russ Simons and Steve Moerner—on the All-Tournament Team with Bob Quaile capturing the coveted MVP award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heart-

ily congratulate and commend the UAH Charger Ice Hockey Team as the U. S. National Club Ice Hockey Champions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Ross, on behalf of the Chargers, that he and the team may be aware of our sincere pride in their success and of our best wishes for continuing achievement in their anticipated elevation to Varsity status.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-220

S.J.R. 11—Senators Kirkland, Foshee, Covington, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, deGraffenried, Denton, Dixon, Figures, Goodwin, Harrison, Hilliard, Holmes, Keener, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J), and Teague

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. BYRON LEE.

WHEREAS, the Legislature of Alabama, in profound sorrow and regret, extends deepest sympathy to the family of Mr. Byron Lee who died in Edmonton, Alberta, Canada, on November 16, 1982, which also was the 36th anniversary of his birth; and

WHEREAS, Mr. Lee's death was the result of a tragic accident which occurred during his efforts to cap a Canadian natural gas well which had blown out of control a month prior to the accident; and

WHEREAS, as an oil and gas well "blowout" specialist employed by a Texas-based company, Byron Lee was acutely aware of the perils of his profession; he accepted the constant dangers, however, with equanimity and great courage; and

WHEREAS, Mr. Lee had worked in the oil business for some fourteen years and, as an acknowledged expert in his field, had trav-

elled widely throughout five continents in response to similar emergencies and life-threatening situations such as that which claimed his life; and

WHEREAS, a native Alabamian and an alumnus of Troy State University, Mr. Lee was the beloved son of Mrs. Virginia Lee of Clio and of our good friend, Senate Secretary McDowell Lee; he was an exceptional young man who loved life and one who brought great joy and happiness to all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we grievously mourn the death of Mr. Byron Lee, we also give thanks for his life, and extend our most heartfelt sympathy to his family and to all those who are sorely bereft in their great loss.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Mr. Lee's young daughter, Miss Janet Lee of Homer, Louisiana, for his parents, and for other family members, that they may know of our sincere concern for them and of our shared sorrow in their loss.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-221

S.J.R. 12—Senator Kirkland

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. DEWITT TALMAGE STUART, JR., OF EVERGREEN, ALABAMA.

WHEREAS, The Alabama Legislature has grievously noted the death of Mr. Dewitt Talmage Stuart, Jr., of Evergreen, Alabama, on August 14, 1982, at the age of 65 years; and

WHEREAS, though a native of Pine Apple in Wilcox County and a member of a prominent pioneer family of the area, Mr. Stuart had been a resident of Evergreen since 1939; he was a graduate of Moore Academy and had attended Auburn University, which he supported as an active alumnus through the years; and

WHEREAS, Mr. Tal Stuart was a former businessman, farmer and cattleman and, most recently, was engaged primarily in timber farming with extensive planting of food for wildlife; and

WHEREAS, he was a member of the Evergreen United Methodist Church, a Mason and a Shriner, and was a member and past president of the Evergreen Rotary Club which had honored him as

Rotarian of the Year; and

WHEREAS, he also was the founder of both the Evergreen Rotary Club Fish and Wildlife Camp and the Evergreen Quarterback Club which he served as president, establishing the coveted D. T. Stuart, Jr., Sportsmanship Award for outstanding local athletes; and

WHEREAS, Mr. Stuart further was the recipient of a special award at the 23rd annual session of the Rotary Fish and Wildlife Camp and was presented with the Governor's Conservationist of the Year Award for his support of the camp and in recognition of his efforts on behalf of wildlife conservation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Dewitt Talmage (Tal) Stuart, Jr., of Evergreen, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Mary McGhee Stuart; his mother, Mrs. Julia Melton Stuart; his son and daughter, Dewitt Talmage Stuart, III, and Miss Nell Wheelen Stuart; and other family members who shall receive a copy of this resolution in declaration of our deep sorrow in the loss of one of our state's most prominent and accomplished citizens.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-222

S.J.R. 13—Senator Kirkland

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. GLADYS PORTERFIELD BARRON OF EVERGREEN, ALABAMA.

WHEREAS, the Legislature of Alabama grievously notes the death of Mrs. Gladys Porterfield Barron of Evergreen, Alabama, on February 14, 1983, at the age of 79 years; and

WHEREAS, a longtime resident of Conecuh County and a member of the First Baptist Church of Evergreen, Mrs. Barron is survived by two sons, Edward M. and John L. Barron, three grandchildren and two great grandchildren; Mrs. Barron also was the mother of our friend and former colleague, Judge Bishop Barron, who was Justice of the State Supreme Court of Criminal Appeals prior to his untimely death on March 9, 1983; and

WHEREAS, Mrs. Barron was a member of a prominent pioneer family in her area of the state and had served for a number of years as Manager of Evergreen's Pix Theatre; her death has left a deep

void in the community and in the lives and hearts of all those privileged to know her as a warm, gracious and loving human being; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Gladys Porterfield Barron of Evergreen, Alabama, and extend our deepest sympathy to her sons and other family members to whom copies of this resolution shall be sent.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-223

S.J.R. 16—Senator Corbett

SENATE JOINT RESOLUTION

COMMENDING THE CITY OF HURTSBORO, ALABAMA.

WHEREAS, on April 1, 1981, a tornado touched down in Hurtsboro, Alabama, totally destroying numerous homes and businesses, while severely damaging many additional structures; and

WHEREAS, since that ill-fated day just slightly more than two years ago, the citizens, business and community leaders and Hurtsboro's elected officials have labored in common bond to both rebuild and even further develop their stricken community; and

WHEREAS, the Hurtsboro Downtown Planning Committee has been, and continues to be, most particularly zealous in its effort to restore the community to its former stature and to provide a firm foundation for future progress; and

WHEREAS, this body is indeed cognizant that today the City of Hurtsboro is a thriving community and one which always has sought to embrace and promote the values and quality of life that have made our state and nation great; and

WHEREAS, we also recognize that Hurtsboro indeed possesses potential for even further growth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein declare this body's public and official recognition of the rebirth and restoration, and of even greater potential, for the City of Hurtsboro, Alabama.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-224

S.J.R. 27—Senator Teague

SENATE JOINT RESOLUTION

COMMENDING AND CONGRATULATING ALABAMA'S MAID OF COTTON, MISS VALERIE RHEA BENDALL.

WHEREAS, the Alabama Legislature notes with utmost pleasure the selection of Miss Valerie Rhea Bendall of Hoover as Alabama's new Maid of Cotton, who will serve as our state's representative in forthcoming national competition to be held in Memphis, Tennessee; and

WHEREAS, the lovely Miss Bendall, a graduate of Birmingham's Berry High School and the daughter of Mr. and Mrs. James Bendall, is a 20-year old junior at Auburn University majoring in Hospital Administration; she is a member of Alpha Omicron Pi sorority, a Sigma Nu Little Sister, a member of the executive cabinet of SGA and also serves as secretary of the Health and Hospital Administration Organization; and

WHEREAS, as talented as she is beautiful, Miss Bendall is an accomplished dancer, pianist and vocalist—a charming and delightful young woman who, on March 26, 1983, representing Jefferson County, captured the Maid of Cotton Crown from a field of 20 of our state's loveliest ladies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Miss Valerie Rhea Bendall on her numerous and outstanding accomplishments; we further congratulate Miss Bendall as Alabama's Maid of Cotton, and direct that both she and her parents receive a copy of this resolution expressing our sincere praise and very best wishes for her every future success.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-225

S.J.R. 28—Senators Dixon and Bedsole

SENATE JOINT RESOLUTION

NAMING THE LOCK AND DAM AT JONES BLUFF THE

ROBERT F. HENRY LOCK AND DAM.

WHEREAS, on December 22, 1982 the President of the United States signed an Act of Congress, Public Law 97-383, designating the lock and dam formerly known as the Jones Bluff Lock and Dam, located on the Alabama River, as the "Robert F. Henry Lock and Dam"; and

WHEREAS, this native son of the State of Alabama distinguished himself by his unselfish service in a wide range of civic, educational and cultural activities; and

WHEREAS, under the dedicated leadership of Dr. Robert F. Henry, the Coosa-Alabama River Improvement Association organized and coordinated efforts at local, state and national levels which resulted in the opening of the Alabama River for navigation from Mobile to Montgomery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that it go on record as commending the Congress of the United States and the President for this recognition of the outstanding contributions of Dr. Henry to the development of the Alabama-Coosa Waterway and to the general welfare of the citizens of Alabama, and by this resolution does concur in naming this valuable asset the Robert F. Henry Lock and Dam;

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the widow and family of Dr. Robert F. Henry that they may know of our appreciation and of our high regard.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-226

S.J.R. 29—Senators Little and Mitchem

SENATE JOINT RESOLUTION

COMMENDING MR. MILTON WENDLAND OF AUTAUGAVILLE, ALABAMA CROP IMPROVEMENT ASSOCIATION'S "MAN OF THE YEAR."

WHEREAS, On February 21, 1983, "Man of the Year" honors were bestowed upon Mr. Milton "Buzz" Wendland of Autaugaville, Alabama, by the Alabama Crop Improvement Association during the organization's 37th annual meeting at Auburn University; and

WHEREAS, Mr. Wendland, the 1981 selection of the *Progressive Farmer* magazine for "Man of the Year in Service to Alabama

Agriculture," is owner and operator of the Autauga Farming Company based in Autaugaville, with operations in Autauga and Dallas Counties; he also is a producer of cotton, soybeans, small grains, hay, pecans, seed crops, cattle and hogs; and

WHEREAS, a longtime member of the Alabama Crop Improvement Association, Mr. Wendland has served the organization as board member, vice president, and as president from 1976 to 1979; and

WHEREAS, during his three-year tenure as president, Mr. Wendland, an avid promoter of good seed, was instrumental in the establishment of both the Alabama Seed Technology Center and the Foundation Peanut Seed Facility; and

WHEREAS, he further is a member of the Auburn University Agricultural Council, a former director of the Autauga Quality Cotton Association, past president of the Alabama Cattlemen's Association, a charter member of the Alabama Beef Cattle Improvement Association, member of the Southeastern Livestock Exposition, and an officer in the Autauga County Soil and Water Conservation District; and

WHEREAS, Mr. Wendland's activities extend further to include longtime involvement with 4-H Club programs and with numerous civic, religious and charitable affairs of his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mr. Milton "Buzz" Wendland of Autaugaville for outstanding contributions to Alabama agriculture; we further congratulate Mr. Wendland as the Alabama Crop Improvement Association's "Man of the Year" and direct that he receive a copy of this resolution in token of our sincere regard.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-227

S.J.R. 30—Senator Little

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF DR. BEN T. LANHAM, JR., OF MOBILE, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Alabama Legislature notes the death of Dr. Ben T. Lanham, Jr., on March 30,

1983; Dr. Lanham was a retired Vice President for Administration at Auburn University and was associated with the University from 1939 until his retirement in 1979; and

WHEREAS, a graduate of Clemson University in his native South Carolina, Dr. Lanham also held the Master's Degree from the University of Tennessee, a doctorate from Michigan State University, and had studied additionally on the post doctoral level at Iowa State University; and

WHEREAS, Dr. Lanham, during his prestigious career at Auburn University, served in both teaching and administrative capacities including tenures as head of the Department of Agricultural Economics, president of the general faculty, chairman of the Faculty Council, associate director of the Agricultural Experimental Station, assistant dean of the School of Agriculture, first vice president for research and his retirement position; and

WHEREAS, Dr. Lanham was the author or co-author of more than 100 articles and other publications in his principal areas of interest which included farm management, production economics, agricultural policy and economic developments; he was the recipient, as well, of numerous awards and honors, was included in 10 different professional biographical directories, and held membership in a number of professional organizations at the state, regional and national levels; and

WHEREAS, his activities and involvement extended further to encompass numerous areas of civic and community concern; Dr. Lanham's contributions were notable, his achievement extraordinary and his loss is deeply felt throughout our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Dr. Ben T. Lanham, Jr., and extend our deepest sympathy to his wife, his children and other family members to whom a copy of this resolution shall be sent.

Approved May 6, 1983

Time: 3:30 P.M.

Act. No. 83-228

S.J.R. 32—Senator Little

SENATE JOINT RESOLUTION

COMMENDING MRS. BARBARA CROZIER, MISS WHEEL-CHAIR AMERICA, 1983.

WHEREAS, it is with extreme pride and great pleasure that the Alabama Legislature most highly commends our own Miss Alabama Wheelchair, Mrs. Barbara Crozier, who currently reigns as Miss Wheelchair America for 1983; and

WHEREAS, since her selection for the national title in September 1982, Mrs. Crozier has traveled throughout America, accompanied by her husband, Don Crozier, promoting a greater understanding of the numerous problems daily faced by the handicapped in today's world; and

WHEREAS, by way of national recognition, Mrs. Crozier has been invited to serve on the President's Commission on Employment of the Handicapped, and she soon will conduct a seminar for the states' high school and college student winners of the handicapped awareness campaigns; and

WHEREAS, Mrs. Crozier also has been appointed to Governor George C. Wallace's Committee on Employment of the Handicapped, and was a participant in the National Easter Seal Telethon; and

WHEREAS, Mrs. Crozier is indeed deserving of praise for her educational efforts on behalf of the handicapped in numerous appearances throughout America, and for her participation in countless fund raising campaigns; and

WHEREAS, it is further to be noted that Mrs. Crozier, who also is a nominee for the annual Jefferson Award sponsored by WSFA-TV of Montgomery, and her husband have personally paid a part of the expense of their travel during her reign as the National Miss Wheelchair America; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Barbara Crozier both for her own personal triumphs and for her efforts on behalf of the handicapped of Alabama and America.

BE IT FURTHER RESOLVED, That Mrs. Crozier receive a copy of this resolution which is tendered in sincere warm praise and utmost regard.

Approved May 6, 1983

Time: 3:30 P.M.

COMMENDING THE LOACHAPOKA HIGH SCHOOL INDIANS, STATE 1A BASKETBALL CHAMPIONS.

WHEREAS, the Alabama Legislature is pleased to note the State 1A Basketball Title captured by Loachapoka High School by virtue of a 74-59 trouncing of Talladega County Training School in the final round of the state playoffs; and

WHEREAS, the Loachapoka Indians, ranked number one going into the tournament, not only made it official for the record books, but also iced the cake with a 25-0 perfect season record under Head Coach Mitzi Jackson and his able staff of assistants; and

WHEREAS, Loachapoka's cagers are indeed deserving of high commendation for their undefeated season and the 1A Championship, as are the coaching staff, Principal Everett Debrow and other school officials whose support and encouragement played a major role in the team's success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most warmly praise the Loachapoka High School Indians on their outstanding basketball season; we congratulate them as our state's 1A champions and direct that a copy of this resolution be forwarded to Coach Jackson on behalf of the entire team, with a copy also provided for appropriate school display.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-230

H.J.R. 6—Rep. Laird

HOUSE JOINT RESOLUTION

HONORING MR. DAN WASHBURN, FORMER LONGTIME HEAD COACH AND ATHLETIC DIRECTOR AT LANETT HIGH SCHOOL.

WHEREAS, The Alabama Legislature is pleasingly cognizant of the numerous contributions of Mr. Dan Washburn to the athletic program of Lanett High School, Lanett, Alabama, as the school's Head Coach and Athletic Director for a period of some 15 years; and

WHEREAS, Coach Washburn, a 1958 graduate of Lafayette High School where he lettered three years in football, basketball and baseball, also is a 1962 graduate of the University of Chattanooga, lettering in football for three years; he additionally holds a Master's Degree in Administration from Troy State University in Phenix

City, acquired in 1978; and

WHEREAS, following a five-year tenure as an assistant coach under Doug Lockridge at Valley High, Mr. Washburn accepted positions in 1967 of Head Coach and Athletic Director at Lanett High School where he remained until 1975 at which time he accepted similar posts at Autauga County High School in Prattville; and

WHEREAS, after one year in Prattville, Coach Washburn returned to Lanett High where he continued to coach through 1982; and

WHEREAS, during Coach Washburn's fifteen-year career at Lanett High School, his teams participated in the state play-offs on four occasions while compiling an outstanding 109-45-4 win-loss record; and

WHEREAS, professionally, Coach Washburn served in 1978 as president of the Alabama High School Coaches Association and he currently serves on the Fourth District Board of Directors of the Alabama Athletic Association; and

WHEREAS, Coach Dan Washburn is indeed to be commended on his outstanding career, for his many accomplishments as a coach and for his numerous contributions to the Lanett High School Athletic program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise Coach Dan Washburn of Lanett, Alabama; we further express our appreciation of his notable achievements and sincerely wish him every success in his forthcoming position as Superintendent of the Lanett City School System.

BE IT FURTHER RESOLVED, that Mr. Washburn receive a copy of this resolution that he and his wife, Mrs. Shirlene Fuller Washburn, and their children, Jeff, Dana and Russell, may be aware of our sincere warm praise and regard.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-231

H.J.R. 10—Reps. Buskey, Kvalheim,
Harper, Gaston, Clikas,
Turner, Zoghby, Box,
Adams, Albright, Ashley,
Bennett, Biddle, Blake,
Blakeney, Boles,

Bowling, Brakefield,
 Brooks, Browder,
 Bryant, Butler,
 Campbell, Carothers,
 Carter, Casey, Clark,
 Coburn, Coleman,
 Cosby, Crow, Davis,
 Drake, Drinkard,
 Dutton, Escott, Faulk,
 Flowers, Ford, Freeman,
 Goodwin, Grimsley,
 Grouby, Hall, Hammett,
 Harvey, Hettinger,
 Holley, Holmes, Horn,
 Howard, Johnson (A.L.),
 Johnson (R.G.), Johnson
 (Roy), Jenkins,
 Kennedy, Laird,
 Langford, Lauderdale,
 Layton, Lewis, McKee,
 McMillan, Manley,
 Martin, Mathis, Melton,
 Minus, Mitchell, Moore,
 Murphy, Nevett,
 Newman, Nicholson,
 Owens, Parker, Payne,
 Penry, Poole, Preuitt,
 Rains, Reed, Rice,
 Richardson, Rogers,
 Sasser, Scott, Seibels,
 Smith, Starkey, Starr,
 Stout, Thomas,
 Thornton, Trammell,
 Tucker, Turnham,
 Venable, Waggoner,
 Warren, White (F),
 White (L), Williams,
 Wilson, Wright

HOUSE JOINT RESOLUTION

CONGRATULATING OUR COLLEAGUE, DR. YVONNE KENNEDY, AS FIRST LADY OF MOBILE FOR 1982.

WHEREAS, the Alabama Legislature, in warm personal pride, notes the selection of our friend and colleague, Dr. Yvonne Kennedy, as First Lady of Mobile for 1982, an annual award since 1946

of the Mobile City Council of Beta Sigma Phi Sorority; and

WHEREAS, Representative Kennedy's selection by the Mobile Council of this international women's organization was in recognition of her significant contributions to the educational climate of Mobile; and

WHEREAS, with the field of education as a professional goal since early childhood, Dr. Kennedy first earned her associate degree from Bishop State College; she went on to obtain her B.S. Degree from Alabama State University and, later, a Ph.D. Degree in Administration-Higher Education from the University of Alabama; and

WHEREAS, in 1971, Dr. Kennedy, then an English instructor at her Alma Mater, Bishop State, was tapped for the position of Coordinator of the institution's Higher Education Achievement Program; from the classroom in 1971, she was then to rise to the Presidency of Bishop State in just 10 short years, following the death in 1981 of Dr. S. D. Bishop; in the interim she had served for a short while as an associate director of cooperative programs for the Southern Association of Colleges and Schools in Atlanta, but returned to Bishop State to serve as Title III coordinator from 1976 to 1981; and

WHEREAS, Dr. Kennedy who also, of course, has served in the Alabama House of Representatives since 1979, is the recipient of a number of other awards and honors including Delta Theta Zeta's Woman of the Year, Mobile's Kappa Alpha Psi's Citizen of the Year, Gayfer Career Club Outstanding Career Woman, and in 1973, reigned as Queen of the Mobile Area Mardi Gras Association festivities; and

WHEREAS, with other accolades too numerous to mention, it is hopefully sufficient to note that our friend and colleague is indeed an outstanding lady, a woman of significant achievement and one who undoubtedly has goals yet to be conquered and aspirations to even further excel; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. Yvonne Kennedy of Mobile, Alabama; we heartily congratulate her as a First Lady of Mobile and direct that a copy of this resolution be presented to her in token of friendship and utmost esteem.

Approved May 6, 1983

Time: 3:30 P.M.

HOUSE JOINT RESOLUTION

COMMENDING PRICHARD POLICE CHIEF TYREE RICHBURG.

WHEREAS, the Alabama Legislature is pleased to note the appointment of Mr. Tyree Richburg, by the Prichard City Council, as the municipality's Chief of Police; and

WHEREAS, eminently qualified for this position, Mr. Richburg is a former United States Marshal and a veteran law enforcement officer who served on the Mobile police force for 24 years; and

WHEREAS, he is a graduate of the University of South Alabama with a bachelor of arts degree in criminal justice administration and political science; he currently is pursuing the master's degree, also at USA; and

WHEREAS, it is significant to note that in his new capacity, Chief Richburg is the first black ever to be appointed as a top-ranking police official in the history of Mobile County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Prichard Police Chief Tyree Richburg on his outstanding career in law enforcement; we congratulate him on his new position and direct that he receive a copy of this resolution tendered in congratulatory commendation and warmest regard.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-233

H.J.R. 15—Rep. Moore

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. DAVID TANNER OF CHELSEA ON THE BIRTH OF QUADRUPLETS ANNE, EMILY, CHRISTOPHER AND GRIFFIN TANNER.

WHEREAS, it is with great pleasure and in shared delight that the Alabama Legislature extends heartiest congratulations to Mr. and Mrs. David Tanner of Chelsea, Alabama, in the birth of quadruplets Anne, Emily, Christopher and Griffin Tanner, on March 16, 1983; and

WHEREAS, as their parent's first children, the four little quads boosted the size of the "Chelsea Tanners'" from a family of two to an instant family of six; and

WHEREAS, the quads, of course, are the pride and joy of "Papa David" and "Mama Deborah," of their grandparents, other relatives and family friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in multiples of four, we extend all best wishes for health, happiness and every future success to little Anne, Emily, Christopher and Griffin Tanner; we further most heartily congratulate their parents, Mr. and Mrs. David Tanner of Chelsea, Alabama, and direct that they receive a copy of this resolution in token of our warmest regard.

BE IT FURTHER RESOLVED, That copies of this resolution also be provided for the quads that they may later know of our sincere pride, great joy and delight in their birth.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-234

H.J.R. 16—Reps. Wilson, Starr, Langford,
Holmes, McKee

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. ALBERT WHITING COPELAND, PROMINENT STATE ATTORNEY.

WHEREAS, the Alabama Legislature grievously notes the untimely death of Mr. Albert Whiting Copeland of Montgomery, Alabama, on February 20, 1983, at the early age of just 55 years; and

WHEREAS, following admittance to the Alabama State Bar in 1952, Mr. Copeland became associated in law partnership with former Judges Richard Rives, John Godbold and Truman Hobbs, and had continued in private legal practice for the past 31 years; and

WHEREAS, Mr. Copeland, who was a former president of the Montgomery Bar and the Alabama Trial Lawyers Associations, was a Fellow with the International Society of Barristers and, at the time of his death, was serving as Bar Commissioner for the 15th Judicial Circuit; and

WHEREAS, widely acclaimed for his judicial acumen, Mr. Copeland was held in highest regard by his fellow attorneys and by jurists, jurors and litigants alike; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Albert Whiting Copeland of Montgomery,

Alabama, one of our state's most prominent attorneys, and extend our very deepest sympathy to his wife, Mrs. Ann Harrell Copeland, daughter Ann Darden, sons Albert Harrell, Paul Whiting and Lee Hall, his mother Mrs. Mary Lou Dobson Copeland, and brothers Theodore D., Jr., and R. Frank Copeland, whose sorrow we deeply share and to whom copies of this resolution shall be sent.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-235

H.J.R. 22—Reps. Martin, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright, Zoghby.

HOUSE JOINT RESOLUTION

COMMENDING THE ALABAMA STATE EMPLOYMENT SERVICE ON ITS 50TH ANNIVERSARY.

WHEREAS, the Alabama State Employment Service is 50 years old this year, and was born in the Great Depression by congressional enactment of the Wagner-Peyser Act as a cooperative program between the federal and state governments to help people find work, and is performing the same job today; and

WHEREAS, today it has more skills and tools to meet the demands of Alabama's sophisticated workplace, and is Alabama's labor exchange, with seventy local and branch offices, located in communities all across the state that provide significant benefits for business, labor and the economy and in this 50th year, the members of the system are, as always, committed to quality service, and are, on this occasion, renewing their resolve of excellence to both employers and the jobless, doing what it can to reduce unemployment, and poised to rapidly fill job openings during the economic recovery; and

WHEREAS, along with its sister programs in the Industrial Relations Department - Unemployment Insurance and Labor Market Information - the Alabama State Employment Service is one of the few government operated programs actively seeking to reduce unemployment, and acts as a mediator to enroll, screen, test, counsel and refer applicants to jobs listed by employers, who pay a tax to fund the program, and who receive dollar savings and potential increased productivity as a result; and

WHEREAS, in 1933, the Wagner-Peyser Act was enacted creating the United States Employment Service which acted as a vital defense arm as the War Manpower Commission during World War II and now stands ready to act in like capacity whenever called on, and, although guidelines are set at the federal level, Alabama operates a program that far exceeds federal standards and it is the longest established system of the federal-state cooperation; and

WHEREAS, the Employment Service impacts the Alabama economy far more than its cost, and in Fiscal Year 1982 (October 1, 1981 - September 30, 1982) the Alabama State Employment Service registered 289,389 applicants, made 188,856 job referrals and filled 69,636 jobs; and

WHEREAS, the members of the Alabama State Employment Service as well as concerned support groups in the labor and veterans communities are joining to distribute information on job-a-thons, community involvement programs, tax credit programs and more, as the Alabama State Employment Service strives to find jobs for the unemployed, reduce unemployment and further stimulate the economy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby highly commend and congratulate the Alabama State Employment Service for dedicated accomplishment and worthy goals on this the 50th Anniversary of its beginning.

RESOLVED FURTHER, That copies of this resolution be distributed to the news media to announce the celebration of this 50th Anniversary.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-236

H.J.R. 23—Reps. Gaston, Kennedy,
Kvalheim

HOUSE JOINT RESOLUTION

COMMENDING MR. DONALD H. SMITH, SR., MOBILIAN OF THE YEAR, 1982.

WHEREAS, the Alabama Legislature notes in pleased concurrence the selection of Mr. Donald H. Smith, Sr., as 1982 Mobilian of the Year, a selection of the Mobile Civitan Club in recognition of Mr. Smith's longtime and responsible involvement in civic and community affairs; and

WHEREAS, Mr. Smith, a prominent area businessman, has further distinguished himself through service in numerous areas including health care, research, historical preservation and the arts; and

WHEREAS, a 1922 graduate of University Military School in Mobile, Mr. Smith is an avid supporter of his Alma Mater, and is the recipient of the Crandall Award from Spring Hill College, another Mobile institute of learning which has benefitted greatly from Mr. Smith's support; and

WHEREAS, he is a member of the Board of the Senior Citizens Organization of Mobile, has served on the Advisory Board for the Mobile Association for Retarded Citizens since 1956, and is an incorporator of the Allied Arts Council; and

WHEREAS, Mr. Smith further has served as president of the Mobile Opera Guild and, in 1929, helped organize the Mobile City Beautification Project which was the forerunner of today's Azalea Trail Festival; and

WHEREAS, his activities extend to include the chairmanship of the Capital Fund Drive for renovation of Providence Hospital as

well as instrumental involvement in the fund-raising efforts to expand MARC's Moore Learning Center and to bring the U.S.S. Alabama to Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in accordance with the Mobile Civitan Club and a grateful Port City citizenry, we hereby most highly commend Mr. Donald H. Smith, Sr., 1982 Mobilian of the Year, to whom a copy of this resolution shall be sent in acknowledgement of our regard for his outstanding accomplishments.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-237

H.J.R. 24—Rep. Gaston

HOUSE JOINT RESOLUTION

COMMENDING DR. HAZEL ADAMS PETERSEN, RECIPIENT OF THE DISTINGUISHED TEACHER EDUCATOR AWARD.

WHEREAS, the Alabama Legislature notes with utmost commendation the selection of Dr. Hazel Adams Petersen as the recipient of the Distinguished Teacher Educator Award, which honor was bestowed by the Alabama Association of Teacher Educators in recognition of Dr. Petersen's outstanding accomplishments; and

WHEREAS, Dr. Petersen, former Dean of Mobile College, currently serves as the institution's Vice President of Academic Affairs; and

WHEREAS, she also is the recipient of numerous other awards, honors and accolades including the Mary England Award for outstanding contributions to education, the M. O. Beale Scroll of Merit and inclusion in Personalities of the South, as well as the Golden Apple Award from Stanford University and the Alumni Faculty Award from Mobile College, both in 1982; and

WHEREAS, Dr. Petersen has served as past president of the Southeastern Association of Teacher Educators, the Alabama Association of Supervision and Curriculum, the Altrusa Club and of Alpha Delta Kappa; and

WHEREAS, she further was awarded an International Paper Company Foundation scholarship and earned her doctorate from Auburn University; and

WHEREAS, Dr. Petersen's activities and involvements extend further to include the Joint Legislative Council which she serves as president and Spring Hill Baptist Church where she is a Sunday School teacher; she also is active with the Community Concert Series and the Allied Arts Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. Hazel Adams Petersen for outstanding achievement; we further congratulate her as a Distinguished Teacher Educator and direct that she receive a copy of this resolution in token of our sincere praise and regard.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-238

H.J.R. 28—Reps. Flowers, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson, (A.L.), Johnson, (R.G.), Johnson, (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee,

McMillan, Manley,
 Martin, Mathis,
 Melton, Minus,
 Mitchell, Moore,
 Murphy, Nevett,
 Newman, Nicholson,
 Owens, Parker, Payne,
 Penry, Poole, Preuitt,
 Rains, Reed, Rice,
 Richardson, Rogers,
 Sasser, Scott, Seibels,
 Smith, Starkey, Starr,
 Stout, Thomas,
 Thornton, Trammell,
 Tucker, Turner,
 Turnham, Venable,
 Waggoner, Warren,
 White, (F), White,
 (L), Williams, Wilson,
 Wright, Zoghby

HOUSE JOINT RESOLUTION

HONORING MR. LEE GARDNER BASSETT OF PIKE COUNTY, ALABAMA.

WHEREAS, Mr. Lee Gardner Bassett, a native and lifelong resident of Troy, Pike County, Alabama, is one of our state's most outstanding citizens; a longtime merchant and farmer, he also is a dedicated public servant with distinguished tenures of office on both county and statewide levels; and

WHEREAS, Mr. Bassett attended the public schools of Pike County. In 1950, he was elected to the Alabama House of Representatives and was subsequently five times re-elected for a total of 24 years' representation of Alabama's Thirty-sixth District without a single recorded absence; and

WHEREAS, the Legislature further notes with great pleasure, and in total accord, the recent designation of Conecuh River Road as the "Gardner Bassett Road," a resolution of the Pike County Commission in gratitude for Mr. Bassett's dedicated unselfish service, and for his accomplishments on behalf of his fellow citizens which far exceed those of any other public servant in Pike County history; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in coincidence with the Pike County Commissioners' designation of Conecuh River

Road, as the Gardner Bassett Road," we hereby most highly praise and commend Mr. Lee Gardner Bassett for outstanding service to the people of Pike County, Alabama, and to all Alabamians.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. Bassett that he may know of our sincere appreciation of his numerous accomplishments and of our warmest praise and regard.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-239

H.J.R. 34—Reps. McMillan, Drake

HOUSE JOINT RESOLUTION

COMMENDING THE ALABAMA DISTRICT OF KEY CLUB INTERNATIONAL AND ITS FOUNDER, MR. JOHN H. WHITE.

WHEREAS, the Alabama District of Key Club International, a young men's high school service organization, was founded 30 years ago by Mr. John H. White at the Jefferson Davis Hotel in Montgomery; and

WHEREAS, Mr. White, who is widely and affectionately known as "Judge" White, has served continuously as the organization's Director since its founding; and

WHEREAS, in addition to the District Directorship, Judge White has also served as sponsor of the Baldwin County High School Key Club in Bay Minette for 30 years; and

WHEREAS, during these past three decades, there has been some 75,000 members of Key Clubs in the state who attribute their interest in public service to the inspiration they received from Judge White; and

WHEREAS, Judge White, who just recently celebrated his 80th birthday, has served as an example to Key Club members through his own involvement in service to others, and in addition to his work with the Key Club; he has been active with his community's Retired Senior Volunteer Program, United Fund, United Christmas Giving Program, the Red Cross Blood Drive, Heart and Cancer Funds, the Baptist Training Union, and as an election official for more than 20 years; and

WHEREAS, he further has been recognized as Man of the Year in Bay Minette and by the Alabama Sheriff's Boy's Ranch near Decatur where the gymnasium is named in his honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend, for outstanding service to others, Mr. John H. "Judge" White of Bay Minette, Alabama, founder of Key Club in Alabama; we further congratulate both Judge White and the Alabama District of Key Club International on the organization's 30th Anniversary and direct that copies of this resolution be provided for Judge White and Alabama Key Club in declaration of our admiration and regard.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-240

H.J.R. 35—Reps. McMillan, Penry

HOUSE JOINT RESOLUTION

COMMENDING MR. JOSEPH RAYMOND CROSBY OF STOCKTON, BALDWIN COUNTY, ALABAMA.

WHEREAS, the Alabama Legislature is pleased to note the selection of Mr. Joseph Raymond Crosby of Stockton, Baldwin County, Alabama, as the recipient of the prestigious Good Steward Award of the National Arbor Day Foundation's 1982 National Awards competition; and

WHEREAS, Mr. Crosby, who was the only Alabamian to receive this award in 1982 competition, is a former longtime newspaper executive who returned to Baldwin County following retirement some five years ago; and

WHEREAS, the National Arbor Day Foundation Awards Committee selected Mr. Crosby for the Good Steward Award on the basis of excellence in his forest management and the merit of his projects undertaken or completed during 1982; and

WHEREAS, included among Mr. Crosby's numerous projects during the competition year were: the completion of survey work for construction of a fish pond; the planting of some 10 to 12 food plots for wildlife and along firelines and woods roads; and the establishment of burned pine stands for hazard reduction and wildlife habitat improvement; and

WHEREAS, Mr. Crosby is indeed to be commended for his meritorious, ecological and environmental efforts and for his dedication to the cause of wise land use and management; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we most sincerely and warmly praise Mr. J. R. Crosby of Stockton, Baldwin County, Alabama; we congratulate him as the National Good Steward Award recipient and direct that he receive a copy of this resolution in small token of our deep appreciation and personal regard.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-241

H.J.R. 36—Reps. Kennedy, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson,

Owens, Parker, Payne,
 Penry, Poole, Preuitt,
 Rains, Reed, Rice,
 Richardson, Rogers,
 Sasser, Scott, Seibels,
 Smith, Starkey, Starr,
 Stout, Thomas,
 Thornton, Trammell,
 Tucker, Turner,
 Turnham, Venable,
 Waggoner, Warren,
 White (F), White (L),
 Williams, Wilson,
 Wright, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. DESSIE R. CLARK OF PRICHARD, ALABAMA.

WHEREAS, it is with heartfelt sadness and regret that the Legislature of Alabama notes the death of Mrs. Dessie R. Clark of Prichard, Alabama, on April 15, 1983, at the early age of just 61 years; and

WHEREAS, though a native of Meridian, Mississippi, Mrs. Clark was a longtime resident of Prichard, and it was there she had made her home with her late and beloved husband, Mr. James Clark, Sr.; and

WHEREAS, Mrs. Clark was a devoted mother to her four daughters and to her two sons, one of whom is our good friend and colleague, Representative William Clark; and

WHEREAS, beloved of family and friends, Mrs. Clark was active for many years in a number of civic, charitable and other community affairs of Prichard; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Dessie R. Clark of Prichard, Alabama, and extend our most heartfelt sympathy to all her family whose sorrow we deeply share.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for our friend, Representative Bill Clark, and for other family members that they may know of our concern for them in their time of such unrelenting grief.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-242

H.J.R. 38—Rep. Waggoner

HOUSE JOINT RESOLUTION

HONORING MR. ELMORE "SCOOP" HUDGINS UPON HIS RETIREMENT AS SEC ASSISTANT COMMISSIONER FOR PUBLIC RELATIONS.

WHEREAS, Mr. Elmore "Scoop" Hudgins' 1983 retirement brings to a close an extraordinary 19-year association with South-eastern Conference sports; and

WHEREAS, following his 1949 graduation from Vanderbilt University, where he lettered in wrestling and worked in the Sports Information Office, Mr. Hudgins was hired as the University's first full-time Sports Information Director; and

WHEREAS, "Scoop" Hudgins, in 1964, was named by SEC Commissioner Bernie Moore to establish the conference's Sports Information Department; and

WHEREAS, for the past 19 years, Mr. Hudgins had become nationally known for his innovative procedures for gathering and standardizing statistical data, procedures which now are the accepted practice of his counterparts country-wide; and

WHEREAS, during his SEC career, Mr. Hudgins has been the originator of such classics as the Basketball Coaches Top Twenty, an annual listing of the nation's winningest coaches in each sport, and the SEC Skywriters Tour; and

WHEREAS, he is a two-time president of the SEC Sports Information Directors Association, a past president of the national organization, CoSIDA, and a 1979 inductee into the CoSIDA Hall of Fame; and

WHEREAS, Mr. Hudgins is a native of Chattanooga, Tennessee, and attended high school in that city and in Huntsville, Alabama; he also is a four-year veteran of World War II having served in the United States Army Air Force prior to matriculating at Vanderbilt; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Elmore "Scoop" Hudgins on his accomplished SEC career, and on his longtime association with the conference for

some 37 years as a student and in the area of sports information.

BE IT FURTHER RESOLVED, That in token of our sincere praise and highest personal regards, a copy of this resolution shall be forwarded to Mr. Hudgins.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-243

H.J.R. 39—Rep. Waggoner

HOUSE JOINT RESOLUTION

COMMENDING THE ALABAMA CHAPTER OF THE NATIONAL FOOTBALL FOUNDATION.

WHEREAS, it has been the annual custom, since 1980, of the Alabama Chapter of the National Football Foundation to sponsor an awards banquet honoring Alabama's finest scholar-athletes for their accomplishments; and

WHEREAS, on April 19, 1983, as in preceding years, some 36 high school seniors from all classifications and districts in Alabama will be publicly recognized for their academic achievement, as well as athletic accomplishment, and for their participation in school, civic and church affairs; and

WHEREAS, the organization additionally bestows the Distinguished Alabamian Award for contributions to the State of Alabama by former players and to those who have otherwise provided support to the foundation's worthy cause; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Alabama Chapter of the National Football Foundation on its annual Scholar-Athlete Awards program and for the organization's recognition of our state's fine young athletes of outstanding achievement in all areas of endeavor.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Alabama Chapter of the National Football Foundation that they may be aware of our sincere praise of their outstanding scholar-athlete program.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-244

H.J.R. 44—Reps. Drake, Casey

HOUSE JOINT RESOLUTION

COMMENDING THE BIRMINGHAM CRUISING CLUB ON
THE 25TH ANNIVERSARY OF ITS FOUNDING.

WHEREAS, the Alabama Legislature notes with utmost commendation the 25th Anniversary of the Birmingham Cruising Club which was organized in that city in 1958 and now includes representative membership statewide and in surrounding states; and

WHEREAS, through the years, the Club's aggregate membership has logged thousands of miles traveling the waterways of the Southeast and, in keeping with the organization's motto, "Safety Afloat," has established an enviable record of boating safety—25 years without a single accident, fatality or incident of personal injury; and

WHEREAS, the Birmingham Cruising Club, in promoting safe boating, has initiated a number of programs and projects designed to keep its membership informed on safety procedures, the latest equipment and care of same, and has further assumed the additional responsibility of disseminating this knowledge to the boating public; and

WHEREAS, other and more specific organization projects include promotion of Coast Guard inspections, Alabama State Fair booths for offering safety procedure information, recommendation of Red Cross Emergency and Life Saving Courses for its membership, and the construction of a working scale model lock and dam which is used for teaching safe locking procedures; and

WHEREAS, it is further to be noted that in this 25th anniversary year, the club's membership still includes three of its original founders, several others who are charter members, and a number of third generation founders; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in support of its worthy purpose and in admiration of its many accomplishments, we hereby most highly commend the Birmingham Cruising Club; we further extend congratulations on the club's 25th Anniversary and direct that a copy of this resolution be forwarded to Mrs. Miriam Hann, Commodore, of the Birmingham Cruising Club.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-245

H.J.R. 48—Reps. Drake, Casey, Martin, Johnson (Roy), Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright, Zoghby.

HOUSE JOINT RESOLUTION

COMMENDING COACH RAY PERKINS.

WHEREAS, Coach Ray Perkins has succeeded Paul W. "Bear" Bryant as Head Football Coach and Athletic Director at his Alma Mater, the University of Alabama; and

WHEREAS, Coach Perkins and his Squad are completing their First Spring Training; and

WHEREAS, many members of the Legislature have not had the pleasure of meeting Coach Perkins; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Coach Perkins is hereby invited to address a Joint Session of the Alabama Legislature on Thursday, May 19, 1983, at 11:00 A.M.

BE IT FURTHER RESOLVED, That Coach Perkins have any persons whom he wishes to accompany him.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Coach Perkins by the Clerk of the House.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-246

H.J.R. 49—Reps. Moore, Smith, Murphy

HOUSE JOINT RESOLUTION

COMMENDING BOB RIESENER, HEAD BASEBALL COACH AT THE UNIVERSITY OF MONTEVALLO.

WHEREAS, the Legislature of Alabama takes great pride in noting the outstanding record of University of Montevallo head baseball coach Bob Riesener; and

WHEREAS, he attained his 400th career collegiate win on Saturday, April 16, 1983, when the Falcons beat Huntingdon 5-0 in the second game of a double-header at Kermit A. Johnson Field on the UM campus; and

WHEREAS, he compiled a 111-34 record in four years at Livingston University (1968-71) and is 289-224 in ten years at the University of Montevallo (1974-present), and his collegiate mark now stands at 400-258; and

WHEREAS, Riesener has played a vital role in forming the University of Montevallo's baseball program into one of the finest in the state and the country; Montevallo has finished in the NAIA Top Twenty in three of the last four seasons and this year UM has been ranked as high as tenth in the NAIA coaches poll; and

WHEREAS, Riesener's UM program is highly regarded by the pro teams in that six Montevallo players have been drafted by pro teams in the last five years; and

WHEREAS, in addition to his coaching duties he is supervisor of the "Falcon Club," Montevallo's athletic booster organization, where under his direction, fund-raising efforts for the UM program have resulted in the Falcons home park becoming a showplace for college baseball in the state; and

WHEREAS, Riesener pitched professionally in the New York Yankees' farm system from 1955 to 1969, when he retired due to an arm injury and in 1957 he posted an amazing 20-0 record in the Evangeline League, making "Ripley's Believe It Or Not" for the achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend and congratulate Coach Bob Riesener on his admirable baseball career and direct that a copy of this resolution be sent to him as evidence of high esteem and warm personal regard.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-247

H.J.R. 54—Rep. White, (L)

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. HARRY PELHAM BLACK OF DADEVILLE, ALABAMA, ON THE OCCASION OF THEIR 55TH WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama notes with pleasure the 55th Wedding Anniversary on March 24, 1983, of Mr. and Mrs. Harry Pelham Black of Dadeville, Alabama; and

WHEREAS, Mr. Black and his lovely bride, Miss Odelle Gothard Black, were united in marriage on March 24, 1928, and have remained in said holy state for the past 55 years; and

WHEREAS, they have lived their lives as one and, in devotion each to the other, have remained steadfastly faithful to their marriage vows, setting an enviable example to others; and

WHEREAS, Mr. Black is a prominent area businessman whose holdings and interests are numerous and include a retail grocery as well as a sawmill and lumber business, a truck and tractor dealership and a livestock auction market; he also is a road contractor and a cattle farmer, and is a member of the Tallapoosa County Cattle-men's Association, the Knights of Pythias, and a member and Deacon of the First Baptist Church of Dadeville; and

WHEREAS, Mrs. Black, who also is a member of the Dadeville First Baptist Church, is a bookkeeper for the Dadeville Livestock Market, a member of the Horseshoe Bend Garden Club, and is involved as well in numerous other community affairs; and

WHEREAS, Mr. and Mrs. Black are the parents of a daughter, Mrs. Billie Nell Black Sanford, and two sons, William Ray and Donald Gothard Black; they also have six grandchildren and one fine great grandson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the family and friends in congratulating this exemplary Tallapoosa County couple, Mr. and Mrs. Henry Pelham Black of Dadeville, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Black that they may know of our congratulations and sincere best wishes for every future happiness in life.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-248

H.J.R. 55—Rep. Campbell, Browder

HOUSE JOINT RESOLUTION

DESIGNATING APRIL 23, 1983, AS "JIM FULLER DAY" IN ALABAMA.

WHEREAS, Coach Jim Fuller currently serves as Head Football Coach at Jacksonville State University; and

WHEREAS, under his talented leadership several Jacksonville State teams have advanced to the NCAA Division II Play-offs; and

WHEREAS, a former football great at the University of Alabama, Coach Fuller played on two Crimson Tide National Championship Teams; now therefore,

BE IT FURTHER RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of Coach Jim Fuller's outstanding athletic accomplishments and in appreciation of his significant contributions to the football program at Jacksonville State University, we hereby name and designate April 23, 1983, as "Jim Fuller Day" in Alabama.

BE IT FURTHER RESOLVED, That Coach Fuller be presented with a copy of this resolution in declaration of our sincere regard and as a memento of this honorary designation of the Ala-

abama Legislature.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-249

H.J.R. 59—Reps. Penry, McMillan

HOUSE JOINT RESOLUTION

COMMENDING GERALD P. ROBINSON ON HIS RETIREMENT.

WHEREAS, Gerald P. Robinson will retire as principal of Daphne Junior High School in Baldwin County at the end of the present school year; and

WHEREAS, Mr. Robinson began his career in education in Robertsdale in 1945, as the physical education coach, and has remained in education since that time except for a brief time period spent in private business from 1948 through 1951; and

WHEREAS, his dear wife, Rochelle, has also devoted 23 years as a teacher at Daphne Junior High School; and

WHEREAS, the Baldwin County School System will greatly miss the leadership and service of this outstanding man; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Gerald P. Robinson for his service and leadership in the Baldwin County School System and wish him well on his retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Robinson.

Approved May 6, 1983

Time: 3:30 P.M.

Act No. 83-250

H.J.R. 43—Rep. Waggoner

HOUSE JOINT RESOLUTION

COMMENDING AND CONGRATULATING ALABAMA'S MAID OF COTTON, MISS VALERIE RHEA BENDALL.

WHEREAS, the Alabama Legislature notes with utmost pleasure the selection of Miss Valerie Rhea Bendall of Hoover as Ala-

bama's new Maid of Cotton, who will serve as our state's representative in forthcoming national competition to be held in Memphis, Tennessee; and

WHEREAS, the lovely Miss Bendall, a graduate of Birmingham's Berry High School and the daughter of Mr. and Mrs. James Bendall, is a 20-year old junior at Auburn University majoring in Hospital Administration; she is a member of Alpha Omicron Pi sorority, a Sigma Nu Little Sister, a member of the executive cabinet of SGA and also serves as secretary of the Health and Hospital Administration Organization; and

WHEREAS, as talented as she is beautiful, Miss Bendall is an accomplished dancer, pianist and vocalist—a charming and delightful young woman who, on March 26, 1983, representing Jefferson County, captured the Maid of Cotton Crown from a field of 20 of our state's loveliest ladies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Miss Valerie Rhea Bendall on her numerous and outstanding accomplishments; we further congratulate Miss Bendall as Alabama's Maid of Cotton, and direct that both she and her parents receive a copy of this resolution expressing our sincere praise and very best wishes for her every future success.

Approved May 10, 1983

Time: 4:00 P.M.

Act No. 83-251

H.J.R. 8—Rep. Bowling

HOUSE JOINT RESOLUTION

CREATING THE LEGISLATIVE JOINT INTERIM VOCATIONAL EDUCATION STUDY COMMITTEE.

WHEREAS, vocational education has, in the past, played an important role in the public school system of Alabama; and

WHEREAS, with unemployment being one of the most critical socioeconomic problems facing our country today; and

WHEREAS, many observers foresee that vocational education will become even more valuable in obtaining skills to meet the employment needs of the next two decades; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a legislative joint interim committee to study vocational ed-

ucation. Said committee shall be composed of four members of the House of Representatives and four members of the Senate to be appointed by the respective presiding officer of each body. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall adopt all necessary rules of procedure.

Said committee shall:

1. Examine the vocational education curricula of the schools;
2. Review fiscal policies and procedures of the vocational education programs in schools;
3. Review operations and maintenance funds, practices and powers affecting vocational education programs;
4. Review Alabama's present unemployment situation and review how vocational education programs are dealing with retraining the unemployed.
5. Review the qualifications and certification of teachers, directors and supervisors of vocational education programs; and
6. Review what other states have done in the promotion of vocational education.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work. Additional assistance shall be provided by the Legislative Reference Service, and Legislative Fiscal Office, the Department of the Examiners of Public Accounts, the State Board of Education or any other public board, commission, committee or agency. The chairman shall have the power to employ such consultants as he deems appropriate to assist the committees in performing its functions and duties.

The committee shall meet upon the call of the chairman and may hold hearings and inspect records anywhere in the state.

Said committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the 1984 Regular Session, at which time the committee shall be abolished.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem, mileage and travel expenses for each committee meeting attended. Said money shall be paid out of any fund appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legis-

lature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the committee.

The total expenses of the committee shall not exceed \$30,000.00.

Approved May 10, 1983

Time: 4:00 P.M.

Act No. 83-252

H.J.R. 70—Reps. Carter, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L),

Williams, Wilson, Wright,
Zoghby

HOUSE JOINT RESOLUTION

**MOURNING THE DEATH OF MR. HENRY TURNHAM OF
ABANDA, CHAMBERS COUNTY, ALABAMA.**

WHEREAS, the Legislature of Alabama is grievously saddened by the death of Mr. Henry Turnham of the Abanda Community, Chambers County, Alabama, on April 15, 1983, at the age of 92 years; and

WHEREAS, Mr. Turnham, who was a native of Chambers County, was a retired farmer and prior to his death, was the oldest member and Deacon of the Abanda Baptist Church; and

WHEREAS, Mr. Turnham was a beloved member of the Abanda Community and his loss is deeply felt by his many friends, and by his five children, among whom is our good friend and colleague, Pete Turnham of Auburn; and

WHEREAS, in addition to Representative Turnham, Mr. Henry Turnham is survived by his two daughters, Mrs. Mary Jo Hodges and Mrs. Grace Moon; his sons, Bill and Carl Turnham; his sister, Mrs. Dera Shockley, and by ten grandchildren and 14 great-grandchildren; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING,** That we grievously mourn the death of Mr. Henry Turnham of Chambers County, Alabama, and direct that copies of this resolution be provided for his family in expression of the deep sorrow we personally share with our friend Pete Turnham and with all family members.

Approved May 10, 1983

Time: 4:00 P.M.

Act No. 83-253

H.J.R. 71—Reps. Cosby, Bryant, Adams,
Albright, Ashley, Bennett,
Biddle, Blake, Blakeney,
Boles, Bowling, Box,
Brakefield, Brooks, Browder,
Buskey, Butler, Campbell,
Carothers, Carter, Casey,
Clark, Clikas, Coburn,
Coleman, Crow, Davis,
Drake, Drinkard, Dutton,

Escott, Faulk, Flowers, Ford,
 Freeman, Gaston, Goodwin,
 Grimsley, Grouby, Hall,
 Hammett, Harper, Harvey,
 Hettinger, Holley, Holmes,
 Horn, Howard, Johnson
 (A.L.), Johnson (R.G.),
 Johnson (Roy), Junkins,
 Kennedy, Kvalheim, Laird,
 Langford, Lauderdale,
 Layton, Lewis, McKee,
 McMillan, Manley, Martin,
 Mathis, Melton, Minus,
 Mitchell, Moore, Murphy,
 Nevett, Newman, Nicholson,
 Owens, Parker, Payne,
 Penry, Poole, Preuitt, Rains,
 Reed, Rice, Richardson,
 Rogers, Sasser, Scott,
 Seibels, Smith, Starkey,
 Starr, Stout, Thomas,
 Thornton, Trammell,
 Tucker, Turner, Turnham,
 Venable, Waggoner, Warren,
 White (F), White (L),
 Williams, Wilson, Wright,
 Zoghby

HOUSE JOINT RESOLUTION

COMMENDING MAJOR GENERAL THOMAS H. BARFIELD UPON HIS RETIREMENT AS PRESIDENT OF MARION MILITARY INSTITUTE.

WHEREAS, in 1975, following retirement from the United States Army, Major General Thomas H. Barfield was appointed Executive Vice President of Marion Military Institute, assuming the presidency in 1976 in the school's 135th year; his forthcoming retirement at the close of the current term will thus conclude a prestigious tenure of eight years of accomplished service to MMI; and

WHEREAS, a native of Lineville, General Barfield is himself a graduate of Marion Military Institute, and of the University of Alabama; he additionally holds the Master's Degree from George Washington University, is a graduate of the National War College and a recipient of an honorary doctorate from Judson College; and

WHEREAS, General Barfield was serving as a teacher and

Commandant of Cadets at MMI at the onset of World War II, whereupon he entered the United States Army to subsequently serve in the South Pacific and later in Korea during the Korean conflict; and

WHEREAS, his military career of more than 30 years was one of great distinction with a unique record of having commanded every level of Air Defense Units from platoon to the 23rd North American Air Defense Region, which encompassed major portions of the United States and Canada and included U. S. Army, Navy and Air Force as well as Canadian Air Force units in his command; and

WHEREAS, as President of Marion Military Institute, General Barfield is credited with instilling new vigor and inspiration into Marion, and has stimulated increased enrollment each of his years as President until the school's goal of 500 boarding students appears within near-future reach; and

WHEREAS, in addition to physical repair and renovation, the school has, more importantly, academically advanced to superlative status and is indeed a unique educational institution which ranks among the finest of its type in the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend General Thomas H. Barfield and express our appreciation for his contributions and service to our nation, to Marion Military Institute and to each community he has also sought to serve in all areas of concern.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to General Barfield in small token of our sincere gratitude and regard, and in expression of our very best wishes for every continuing success in life.

Approved May 10, 1983

Time: 4:00 P.M.

Act No. 83-254

H.J.R. 75—Rep. Nicholson

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. LEON GOODWYN ON THE BIRTH OF THEIR SON, CALEB McNEILL GOODWYN.

WHEREAS, the Alabama Legislature shares the delight of Mr. and Mrs. Leon Goodwyn of Jasper, Alabama, in the birth of their

son, Caleb McNeill Goodwyn, on February 21, 1983; and

WHEREAS, it is significant to note that young Caleb McNeill is the first-born of a new generation of Goodwyns which is the family of our friend and former colleague, the late Senator O. J. "Joe" Goodwyn of Montgomery; and

WHEREAS, again, we express great pleasure and rejoice with Leon and Rachel Goodwyn as the proud new parents of a fine and healthy young son, who was seven pounds and two ounces at birth and every inch a Goodwyn; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Mr. and Mr. Leon Goodwyn of Jasper, Alabama, on the birth of their son, Caleb McNeill Goodwyn, on February 21, 1983, and direct that they receive a copy of this resolution, tendered in warmest personal regard.

BE IT FURTHER RESOLVED, That a copy of this resolution also be provided for young Caleb McNeill that he may later know of our pleasure in his birth, of our wishes for him for every happiness and joy in life, and of our affectionate memories and highest regard for his Great Uncle "Joe."

Approved May 10, 1983

Time: 5:00 P.M.

Act No. 83-255

H.J.R. 76—Reps. Bryant, Langford

HOUSE JOINT RESOLUTION

COMMENDING THE KEITH HIGH SCHOOL GIRLS BASKETBALL TEAM.

WHEREAS, the Alabama Legislature is both pleased and proud to note the February 1983 State 3A Championship captured by the Keith High School Girls Basketball Team; and

WHEREAS, the 3A State Titlists from Orrville, Dallas County, Alabama, were led to a brilliant 27-0 season record by Head Coach John Cheatham, and to the Championship following a resounding 64-49 win over Hazel Green in the finals; and

WHEREAS, Keith Cager Velda Walker was named State Tournament MVP, winning a place as well on the Class 3A All-State team along with teammate Diane Thomas; other team members were Illoise Johnson, Charity Irby, Tammy White, Alisa Sanders, Annette Jones and Mary Johnson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily praise and congratulate Coach John Cheatham of Keith High School and his State 3A Champion Girls Basketball Team.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Cheatham on behalf of the team, and a copy to Principal James H. Carter for appropriate school display.

Approved May 10, 1983

Time: 4:00 P.M.

Act No. 83-256

H.J.R. 85—Reps. Bennett, Campbell,
Browder, Crow, Casey

HOUSE JOINT RESOLUTION

COMMENDING THE 1982-83 JACKSONVILLE STATE UNIVERSITY BASKETBALL TEAM.

WHEREAS, the 1982-83 Jacksonville State University Basketball Team compiled a 24-8 record in winning the NCAA Division II South Region Championship, and

WHEREAS, the Gamecocks, coached by Bill Jones, became the first Jacksonville State University Basketball Team in modern history to reach the NCAA semi-final round, and

WHEREAS, Jacksonville State, ranked sixth in the nation most of the season, broke a 36-year record for the most wins with 24 victories, and

WHEREAS, the Gamecocks also won the Gulf South Conference Tournament in posting one of its finest seasons ever; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate the Jacksonville State University Gamecocks on an excellent national showing in which they represented the State of Alabama in the best possible light, and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Jacksonville State University Head Basketball Coach Bill Jones and to Jacksonville State University President Theron Montgomery.

Approved May 10, 1983

Time: 4:00 P.M.

Act No. 83-257

H.J.R. 91—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, May 3, 1983, we adjourn to meet again on Thursday, May 5, 1983.

Approved May 10, 1983

Time: 4:00 P.M.

Act No. 83-258

H.J.R. 77—Rep. Holley

HOUSE JOINT RESOLUTION

COMMENDING MR. L. MARTIN MOATES OF ENTERPRISE, ALABAMA, 1983 FARM-CITY'S DISTINGUISHED FARM SPOKESMAN OF THE YEAR.

WHEREAS, Distinguished Farm Spokesman of the Year is an annual award of the Farm-City Committee of Alabama bestowed in public recognition of an outstanding citizen who also is an effective leader and spokesman for agriculture; and

WHEREAS, the Alabama Legislature notes with commendation that on Agriculture Appreciation Day, March 21, the recipient of this prestigious honor for 1983, was Mr. L. Martin Moates who farms a 1,480-acre diversified operation near Enterprise, Alabama; and

WHEREAS, a farmer since 1944, following two years of active duty with the United States Army during World War II, Mr. Moates has expanded the small farm he bought from his father into the large farm he operates today which includes a 100-cow dairy herd which averaged 12,191 pounds of milk per cow, 265 acres of corn, 243 acres of soybeans, 298 acres of peanuts and 95 acres of sorghum; and

WHEREAS, in agricultural leadership, Mr. Moates is chairman of the Coffee County Soil Conservation District, a past president of the State Association of District Supervisors, current Chairman of the South Alabama USDA Target Area Program, a 15-year board member of the Coffee County Farm Bureau, a current member of Farm Bureau State Dairy Committee and Farm Crisis Task Force; and

WHEREAS, Mr. Moates additionally is involved in a number of

civic and community affairs, both in membership and in leadership capacities, and in such areas as the Enterprise Chamber of Commerce, Enterprise State Junior College, and the First Baptist Church of Enterprise where he is a Deacon and has been a Sunday School Youth Leader for 30 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly praise and commend Mr. L. Martin Moates of Enterprise, Alabama, for outstanding leadership, both in agriculture and in civic and community affairs; we congratulate him as Farm City's Distinguished Farm Spokesman of the Year, 1983, and direct that he receive a copy of this resolution in declaration of sincere commendation and regard.

Approved May 16, 1983

Time: 4:45 P.M.

Act No. 83-259

H.J.R. 79—Rep. Moore

HOUSE JOINT RESOLUTION

HONORING CAPTAIN JAMES CARROLL McGRAW UPON HIS RETIREMENT FROM THE ALABAMA NATIONAL GUARD.

WHEREAS, James Carroll McGraw was born on the 2nd day of December, 1930, in Vincent, Shelby County, Alabama, the first male child of Richard Thomas and Lallouise Florey McGraw; and

WHEREAS, he graduated from Vincent High School in 1948, attended Marion Military Institute and graduated from the University of Auburn with a Bachelor of Science degree in 1952; and

WHEREAS, upon his graduation from college his military status was that of second lieutenant in the Army of the United States of America; and

WHEREAS, he served his country in military service at Fort Carson, Colorado, for a period of two years and was discharged as first lieutenant of the Army of the United States of America; and

WHEREAS, in 1956 he organized and activated, as Commanding Officer, the 166th Engineers Company. D. T., the first military unit to occupy The National Guard Armory at Vincent, Alabama; and

WHEREAS, he attended Officers' School at Fort Belvoir, Virginia and earned the rank of captain in the year 1957; and

WHEREAS, he retired from the Army of the United States of America with the rank of captain in the year of 1958; and

WHEREAS, he is a prominent and influential leader in the civic, social and religious life of his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend James Carroll McGraw for extraordinary services to our nation and to the community of Vincent, Shelby County, Alabama; we further wish him well in all future endeavors and direct that he receive a copy of this resolution that he may know of our esteem and of our deep appreciation for his years of service to our nation and the State of Alabama.

Approved May 16, 1983

Time: 4:45 P.M.

Act No. 83-260

H.J.R. 87—Reps. Payne, Biddle, Layton

HOUSE JOINT RESOLUTION

COMMENDING MR. ORMAND BUFFINGTON FOR OUTSTANDING SERVICE TO THE CENTER POINT COMMUNITY.

WHEREAS, Mr. Ormand Buffington recently completed a 15-year tenure as a member of the board of trustees of the Center Point Fire District, his service dating from the board's inception in 1968; and

WHEREAS, from a small force of just six men and an annual budget of \$65,000, the Center Point Fire District has progressed to 40 firefighters and five medics with a monthly budget of \$65,000, serving 13,000 businesses and homes; in 1982 the four stations in the district answered 2,554 fire and medical emergency calls; and

WHEREAS, Mr. Buffington, now an insurance salesman is a retired 30-year employee of the United States Postal Service, having retired as budget officer of the Birmingham sectional center; and

WHEREAS, in further civic involvement, Mr. Buffington has served for many years as supervisor of the Erwin High School voting precinct, and has been active in the leadership of Center Point First United Methodist Church, also serving as Sunday School teacher for a number of years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most

highly commend Mr. Ormand Buffington for outstanding service to the Center Point Fire District, to his church, and in numerous other areas of community concern.

BE IT FURTHER RESOLVED, That Mr. Buffington receive a copy of this resolution which we tender in utmost praise and regard.

Approved May 16, 1983

Time: 4:45 P.M.

Act No. 83-261

H.J.R. 93—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

COMMENDING MISS JEANINE WILLIAMSON FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to Miss Jeanine Williamson of Tuscaloosa, Alabama, our State's 1983 spelling champion; and

WHEREAS, young Miss Williamson, daughter of Mr. and Mrs. Eugene Williamson, is an eighth grade student at Holy Spirit School and represented Tuscaloosa County in the State Spelling Bee in Birmingham; and

WHEREAS, it is further to be noted that Miss Williamson was a participant last year as well, finishing fifth in the State; and

WHEREAS, as this year's top State speller, Jeanine Williamson will represent the State of Alabama in the National Spelling Bee to be held this summer in Washington, D. C. and will be accompanied on the expense-paid trip by one of her parents; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Miss Jeanine Williamson of Holy Spirit School in Tuscaloosa, Alabama; we further direct that she receive a copy of this resolution that she and her parents may know of our sincere praise of her accomplishment, and of our deep pride in her as Alabama's Ambassador to the National Spelling Bee in Washington, D. C.

Approved May 16, 1983

Time: 4:45 P.M.

Act No. 83-262

H.J.R. 94—Rep. Flowers

HOUSE JOINT RESOLUTION

COMMENDING MISS YOLANDA TERESA FERNANDEZ.

WHEREAS, the Alabama Legislature is proud of the accomplishments of the young people of the State of Alabama; and

WHEREAS, the members of the Legislature have pledged themselves to continually strive for the educational growth and development of the State's young adults so that they may accomplish a smooth transition into the State's job market; and

WHEREAS, educational scholarships are a prime source for the higher education of young people; and

WHEREAS, the Miss America Scholarship Foundation is the largest and oldest source of scholarships for young women; and

WHEREAS, Yolanda Teresa Fernandez, a student at Troy State University and the reigning Miss Alabama, was named third runner-up to the reigning Miss America defeating approximately 75,000 contestants in America's largest and oldest scholarship program; and

WHEREAS, Miss Fernandez has brought national attention to Alabama as its official representative of beauty, talent and intelligence indicative of all Alabama women; and

WHEREAS, Miss Fernandez as Miss Alabama has focused state and national attention through the media and public appearances on the importance of educating our young people and, more specifically, utilizing higher education to better prepare today's youth for the future; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we honor Yolanda Teresa Fernandez by recognizing her and her many accomplishments; we further express appreciation for her outstanding representation of the State of Alabama at the 1982 Miss America Pageant and at the hundreds of public appearances she makes throughout the State and the United States.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for presentation to Miss Fernandez on May 3, 1983, during the 1983 Regular Session of the Alabama Legislature.

Approved May 16, 1983

Time 4:45 P.M.

Act No. 83-263

H.J.R. 98—Rep. Harvey

HOUSE JOINT RESOLUTION

COMMENDING MR. PHILLIP WILLIAMS OF BLOUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE.

WHEREAS, Mr. Phillip Williams, Blount County native and a graduate of Pennington High School, has long been involved and deeply committed in service to the citizens of Blountsville and Blount County, Alabama; and

WHEREAS, Mr. Williams is a veteran of five years active duty with the United States Army and he is a Mason and a member of the First Baptist Church of Blountsville; and

WHEREAS, he has been most particularly involved, however, with the Blountsville Volunteer Rescue Squad which he founded in 1981 and which was chartered in June of that year; and

WHEREAS, Mr. Williams, an Emergency Medical Technician, Intermediate Class, is working on his Paramedic designation, and he has received the wholehearted support of his wife Debbie, an EMT-1, throughout the organization, establishment and amazing growth of the Blountsville Volunteer Rescue Squad which now is one of the best-staffed, highest-trained and most efficient in Blount County; and

WHEREAS, as a result of Mr. Williams' dedicated efforts, and those of his wife, and with finances raised through donations and other fund-raising campaigns, the squad has grown from one EMT and two first aid assistants to two EMT-Intermediates, six EMT-1's and three first aid assistants; the squad also boasts an equipped ambulance-type van rescue truck for emergency calls; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Phillip Williams for outstanding community service and for his many contributions to the citizens of Blountsville, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Williams that he and his wife, Debbie, may be aware of our sincere warm praise and utmost regard.

Approved May 16, 1983

Time: 4:45 P.M.

Act No. 83-264

H.J.R. 100—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, May 5, 1983, we adjourn to meet again on Tuesday May 10, 1983.

Approved May 16, 1983

Time: 4:45 P.M.

Act No. 83-265

H.J.R. 108—Rep. Langford

HOUSE JOINT RESOLUTION

URGING THE ALABAMA STATE SUPREME COURT, THROUGH ITS RULE-MAKING POWERS, TO EXEMPT MEMBERS OF THE ALABAMA LEGISLATURE AND CERTAIN OTHERS FROM ITS RULES FOR MANDATORY CONTINUING LEGAL EDUCATION.

WHEREAS, the attorney-members of the Alabama legislature not only are cognizant of, but are participants in, the drafting, hearing and debates as well as the voting on all the laws of this state; and

WHEREAS, the Clerk of the House and the Secretary of the Senate also are active participants therein; and

WHEREAS, the purposes, goals and efficacy of such rules for mandatory continuing legal education are to inform members of the bar about the existence and language of the laws which the attorney-legislators, Clerk of the House and Secretary of the Senate, in many instances, have designed or perfected; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do respectfully urge the chief justice and associate justices of the Alabama Supreme Court, or a majority of them, pursuant to their rule-making powers, to exempt each current and future legislator-attorney, the Clerk of the House and the Secretary of the Senate if they be attorneys, from its rules for mandatory continuing legal education for the respective terms of their respective offices, or for so long as they shall serve as members of the Alabama legislature, or their respective offices.

BE IT FURTHER RESOLVED, That sufficient copies of this resolution shall be sent to the Chief Justice and the associate justices so that they may consider our petition.

This Act became a law under Section 125 of the Constitution on May 18, 1983 without approval by the Governor.

Act No. 83-266

H. 127—Rep. Ashley

AN ACT

Relating to Lauderdale County; providing that the county commission is authorized to make appropriations for the creation of a legislative office to assist the Lauderdale County legislative delegation and providing for its retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lauderdale County, the county commission is hereby authorized and empowered to make appropriations for the creation of a legislative office to assist the Lauderdale County legislative delegation in the performance of its duties.

Section 2. The office provided for by this Act may be operated on a full-time or part-time basis, as the Lauderdale County delegation to the Legislature may deem feasible and appropriate.

Section 3. The Lauderdale County Commission is authorized and empowered to make all reasonable expenditures necessary to carry out the provisions of this Act. These expenditures are to be derived from monies collected from the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975. The distribution formula as outlined in Act No. 79-731, H.1044, 1979 Regular Session, shall not be altered after the operational expenses of this office are expended.

Section 4. The operation of this Act shall be retroactive to April 1, 1983, and all actions taken and payments made pursuant thereto, on and after that date are ratified and confirmed.

Section 5. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 16, 1983

Time: 4:45 P.M.

Act. No. 83-267

H.J.R. 116—Rep. Langford

HOUSE JOINT RESOLUTION

URGING THE ALABAMA STATE SUPREME COURT, THROUGH ITS RULE-MAKING POWERS, TO ALLOW ANY GRADUATE OF CERTAIN STATE LAW SCHOOLS AND LAW INSTITUTES TO BE ADMITTED TO THE STATE BAR EXAMINATION, PROVIDED CERTAIN STANDARDS ARE MAINTAINED, ETC.

WHEREAS, the Alabama Legislature has recognized that many qualified and competent citizens of this state must remain employed while pursuing a legal education; and

WHEREAS, the Alabama Legislature recognizes that three long established legal institutions of this state, namely: Birmingham School of Law, Miles College School of Law and Jones Law Institute have maintained high standards of excellence for its students who must remain employed while pursuing a legal education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do respectfully urge the chief justice and associate justices of the Alabama Supreme Court, or a majority of them, pursuant to their rule-making powers, to allow any current graduate and future graduates of Birmingham School of Law, Miles College School of Law and Jones Law Institute to be admitted to be examined at any state bar examination provided such graduate is duly certified by the proper officials of such institutions as having satisfactorily completed the legal training requirements of the respective institutions and meets all other requirements, and upon passage of such state bar examination allow such person into the practice of law upon meeting all other requirements therefor,

BE IT FURTHER RESOLVED, That sufficient copies of this resolution shall be sent to the Chief Justice and the associate justices so that they may consider our petition.

This Act became a law under Section 125 of the Constitution on May 20, 1983 without approval by the Governor.

Act No. 83-268

H.J.R. 121—Reps. Drake, Bowling

HOUSE JOINT RESOLUTION

COMMENDING THE STATE CHAMPIONSHIP WEST POINT HIGH SCHOOL SCHOLAR'S BOWL TEAM.

WHEREAS, it is with great pleasure, and in sincere commendation, that the Alabama Legislature notes the recent State Championship of the West Point High School Scholar's Bowl Team of Cullman, Alabama; and

WHEREAS, as Champion Team of Class 3A schools, in the West Point Scholars competed in playoffs against 1A, 2A and 4A teams to capture statewide laurels and the privilege of representing the State of Alabama in the national Scholar's Bowl Tournament to be held May 26, 1983, in Dallas, Texas; and

WHEREAS, the West Point High School Scholar's Bowl Team consists of Terry Sellers, Chris Solly, Sandra Pledger, Jeff Reid, Ronna Johnson, Susan Griggs, and Joey Sachs who was awarded a \$3,000 scholarship to the University of Alabama-Birmingham as the top scorer among 3A schools; and

WHEREAS, under the guidance and tutelage of faculty sponsor, Mr. Edwin Guthrie, these outstanding young high school students have indeed achieved a mark of excellence, and it is with great pride that we recognize Cullman's West Point High School Scholar's Bowl team as Alabama's academic ambassadors to the National Finals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express highest commendation of the West Point High School Scholar's Bowl Team and direct that copies of this resolution be presented to team members and their faculty sponsor and that a copy also be provided for appropriate school display.

Approved May 16, 1983

Time: 4:45 P.M.

Act No. 83-269

H.J.R. 122—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, May 10, 1983, we adjourn to meet again on Thursday, May 12, 1983.

Approved May 16, 1983

Time 4:45 P.M.

Act No. 83-270

S.J.R. 36—Senators Bedsole and Menton

SENATE JOINT RESOLUTION

COMMENDING THE EMPLOYEES OF INTERNATIONAL PAPER COMPANY'S ERLING RIIS RESEARCH LABORATORY, MOBILE, ALABAMA.

WHEREAS, International Paper Company's Erling Riis Research Laboratory in Mobile, Alabama, provides the company's worldwide operations with research and development in the areas of pulping, bleaching, refining, papermaking, coating, packaging, converting, and environmental and corrosion protection; and

WHEREAS, this present facility became a separate and expanded entity as the Research Department following a six-year existence within the company's Mobile Mill and, in 1961, was dedicated to Erling Riis, a former vice president of International Paper Company who was a strong supporter of innovation and implementation of new technologies in company mills; in 1977, the laboratory became part of the Corporate Science and Technology organization; and

WHEREAS, it is significant and most praiseworthy to note that the 118 employees of the Erling Riis Research Laboratory soon will complete twenty consecutive years of safe operation without incurring a single disabling injury—an astounding accomplishment which will include, as of June 12, 1983, almost 4,500,000 safe work hours for laboratory employees; and

WHEREAS, this unique safety record will surpass all safety achievements of other International Paper Company facilities and will further establish a paper industry standard recognized by the National Safety Council, the Southern Pulp and Paper Safety Association, and the American Paper Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend the employees of Mobile's Erling Riis Research Laboratory for outstanding performance; we further congratulate this International Paper Company research facility in its enviable and unique safety record and direct that a copy of this resolution be sent to Erling Riis Research Laboratory on behalf of the entire staff, and in token of our sincere consensus of praise.

Approved May 16, 1983

Time: 4:45 P.M.

Act No. 83-271

S.J.R. 5—Senator deGraffenried

SENATE JOINT RESOLUTION

CREATING A JOINT INTERIM COMMITTEE OF THE LEGISLATURE ON STATE CONSTITUTIONAL REVISION AND MAKING THE PROVISIONS RETROACTIVELY EFFECTIVE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study any and all aspects of the State Constitution and its revision, in whole or in part, and to prepare drafts therefore for introduction and consideration by the legislature. The committee shall be composed of 14 members as follows: Seven members of the Senate appointed by the Lieutenant Governor, and seven members of the House of Representatives appointed by the Speaker. The committee shall elect a chairman and a co-chairman of the committee from among its members. The chairman or co-chairman shall preside over the meetings of the committee. The committee shall meet upon the call of its chairman or upon the written request of seven or more members.

The committee shall study any and all aspects of the State Constitution and shall prepare drafts therefore for introduction and shall report its findings, comments and suggestions to the legislature on the first legislative day of the next regular session or at any special session, called for the purpose of revising in whole or in part the Constitution, of the legislature.

The committee shall be authorized to travel about the state for purposes of citizens' input and to take staff on such travels as may be reasonably necessary to their responsibilities.

The committee shall be authorized to call on and consult with people knowledgeable in constitutional and related matters for advice and guidance. All staff, consultants and advisers shall be entitled to any and all reasonable and necessary actual expenses incurred in the performance of their duties and pursuant to this resolution. Such expenses shall be paid upon approval of the chairman out of funds appropriated to the legislature.

BE IT RESOLVED FURTHER, That the provisions of this resolution shall apply retroactively to January 18, 1983.

RESOLVED FURTHER, That Act No. 83-2, SJR 9, Organizational Session 1983, is hereby rescinded and repealed.

The members of the committee shall be paid the same compensation and expenses that they receive while in legislative session

upon approval of the chairman and warrant issued according to law. Provided, however, said members shall not be paid for days on which they otherwise receive legislative pay. The payments of all compensation and expenses under this resolution shall be paid from funds appropriated to the use of the legislature.

Approved May 16, 1983

Time: 4:45 P.M.

Act No. 83-272

S.J.R. 40—Senators Amari, Bishop, Parsons, Cooley, Mitchem, deGraffenried, Little, Bedsole, Proctor, Barron, Bedford, Smith B., Covington, Dixon and Aldridge

SENATE JOINT RESOLUTION

EXPRESSING SUPPORT OF DR. HOWARD B. GUNDY, CHANCELLOR OF POSTSECONDARY EDUCATION.

WHEREAS, Dr. Howard B. Gundy has served his profession of education for 35 years with dedication and distinction having brought vision and initiative to each post he has held; and

WHEREAS, Dr. Gundy was selected to serve the state of Alabama as its first chancellor of postsecondary education, and in this capacity has demonstrated a thorough research and understanding of the postsecondary system during his brief tenure as chancellor; and

WHEREAS, Dr. Gundy is committed to constructive, fair and objective solutions designed to strengthen the postsecondary system; and

WHEREAS, the Legislature of Alabama supports efficient, effective and professional leadership and standards for cost effectiveness in the management of the state's postsecondary institutions; and

WHEREAS, the Alabama Legislature recognizes the great value and service of our post secondary institutions to the citizens and taxpayers of our state; and

WHEREAS, the two-year colleges are deserving of administration and representation which demonstrates coherent planning and which recognizes the potentiality of the various institutions; and

WHEREAS, the Alabama Legislature supports leadership with strength and vision to help guide postsecondary institutions toward

a position of providing appropriate and germane education for job skills and market for present and future decades; and

WHEREAS, Dr. Gundy has effectively conducted his responsibility, with sensitivity, dispatch and uncommon integrity and principal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby express confidence and support of Dr. Howard B. Gundy as chancellor of the postsecondary system.

BE IT FURTHER RESOLVED, That the Legislature does hereby express its sentiment that Dr. Howard B. Gundy continue to serve the state of Alabama as chancellor of the postsecondary education system.

Approved May 16, 1983

Time: 4:45 P.M.

Act No. 83-273

S.J.R. 42—Senators Menton and Bedsole

SENATE JOINT RESOLUTION

COMMENDING MR. RUSSELL R. STEINER, ALABAMA'S SMALL BUSINESS PERSON OF THE YEAR, 1983.

WHEREAS, the Alabama Legislature notes with sincere commendation the selection of Mr. Russell R. Steiner of Bayou La Batre, as Alabama's Small Business Person of the Year, 1983, a designation of the Small Business Administration in recognition of Mr. Steiner's accomplishments, and of his contributions as a small businessman to the economic development of our State; and

WHEREAS, in 1969 Mr. Russell Steiner assumed the helm of the Steiner Shipyard Company, an operation founded in 1954 by his father, Mr. Clarence Steiner, who nurtured the business from two employees and a first-year gross of \$21,000 to a work force of ten in '69 and a net worth position of \$54,000; and

WHEREAS, the year Mr. Russell Steiner became president was the same year the Steiner Shipyard was virtually destroyed by Hurricane Camille, necessitating a 20-year \$46,000 SEA disaster loan to rebuild the business, a loan that was repaid in just 12 years; and

WHEREAS, during the interim years from 1969 to the present, Steiner Shipyard has increased its number of employees from 10 to 125 and the company's net worth position stands at some \$4 million—a remarkable success story authored solely by the dedication,

perserverance and keen business acumen of Mr. Russell R. Steiner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Russell R. Steiner of Bayou La Batre as Alabama's 1983 Small Business Person of the Year and for his outstanding accomplishment within and on behalf of the free enterprise system in our society.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. Steiner that he may be aware of our sincere praise and warm, personal regard.

Approved May 16, 1983

Time: 4:45 P.M.

Act No. 83-274

S.J.R. 45—Senator Goodwin

SENATE JOINT RESOLUTION

COMMENDING MAJOR GENERAL THOMAS H. BARFIELD UPON HIS RETIREMENT AS PRESIDENT OF MARION MILITARY INSTITUTE.

WHEREAS, in 1975, following retirement from the United States Army, Major General Thomas H. Barfield was appointed Executive Vice President of Marion Military Institute, assuming the presidency in 1976 in the school's 135th year; his forthcoming retirement at the close of the current term will thus conclude a prestigious tenure of eight years of accomplished service to MMI; and

WHEREAS, a native of Lineville, General Barfield is himself a graduate of Marion Military Institute, and of the University of Alabama; he additionally holds the Master's Degree from George Washington University, is a graduate of the National War College and a recipient of an honorary doctorate from Judson College; and

WHEREAS, General Barfield was serving as a teacher and Commandant of Cadets at MMI at the onset of World War II, whereupon he entered the United States Army to subsequently serve in the South Pacific and later in Korea during the Korean conflict; and

WHEREAS, his military career of more than 30 years was one of great distinction with a unique record of having commanded every level of Air Defense Units from platoon to the 23rd North American Air Defense Region, which encompassed major portions of

the United States and Canada and included U. S. Army, Navy and Air Force as well as Canadian Air Force units in his command; and

WHEREAS, as President of Marion Military Institute, General Barfield is credited with instilling new vigor and inspiration into Marion, and has stimulated increased enrollment each of his years as President until the school's goal of 500 boarding students appears within near-future reach; and

WHEREAS, in addition to physical repair and renovation, the school has, more importantly, academically advanced to superlative status and is indeed a unique educational institution which ranks among the finest of its type in the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend General Thomas H. Barfield and express our appreciation for his contributions and service to our nation, to Marion Military Institute and to each community he has also sought to serve in all areas of concern.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to General Barfield in small token of our sincere gratitude and regard, and in expression of our very best wishes for every continuing success in life.

Approved May 16, 1983

Time: 4:45 P.M.

Act No. 83-275

S.J.R. 48—Senator Harrison

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. MARY ETTA MEUNIER OF TALLAPOOSA, GEORGIA.

WHEREAS, the Legislature of Alabama grievously notes the death of Mrs. Mary Etta Meunier of Tallapoosa, Georgia, on March 17, 1983, at the age of 95 years; and

WHEREAS, a resident of Tallapoosa for many, many years and a lifelong Baptist, Mrs. Meunier was a beloved member of her community who served her church with devotion, and her neighbors and friends with innate kindness and alway with a helping hand; and

WHEREAS, Mrs. Meunier, who was the grandmother of our close friend, Mr. Rhubarb Jones of WLWI-Radio in Montgomery, also is survived by her children, Mrs. Mary Frances Jones, Mrs. Leslie E'Dalgo and Mr. Jack Meunier, and by a number of grandchil-

dren, great grandchildren and great-great grandchildren; and

WHEREAS, the death of Mrs. Meunier has indeed left a deep void in the lives and hearts of all those who knew and loved her as a warm and gracious lady whose life was a lifetime of sharing with others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Mary Etta Meunier of Tallapoosa, Georgia, whose loss we share with our friend and her grandson, Rhubarb Jones, and with all members of her family to whom a copy of this resolution shall be sent.

Approved May 16, 1983

Time: 4:45 P.M.

Act No. 83-276

S.J.R. 49—Senators Bedsole, Menton,
Figures and Boyington

SENATE JOINT RESOLUTION

COMMENDING THE MOBILE SPEECH AND HEARING ASSOCIATION.

WHEREAS, in an effort to increase public awareness of the problems and needs of those with speech, language or hearing impairments, the month of May has been traditionally, and annually, set aside as "Better Hearing and Speech Month" in America, and in Alabama as well; and

WHEREAS, in conjunction with its national, parent organization, the Mobile Speech and Hearing Association—the only such organized local entity in our state—is redoubling its efforts to apprise the Alabama citizenry of the magnitude of speech, language, hearing, and other related impairments, affecting some ten percent or more Alabamians; and

WHEREAS, the Mobile Speech and Hearing Association has members from all helping agencies in Mobile County including speech-language pathologists, audiologists and educators of the deaf who together strive to identify and rehabilitate individuals whose ability to communicate is severely affected by their impairments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Mobile Speech and Hearing Association for

outstanding service on behalf of the speech, language and hearing impaired in the State of Alabama.

BE IT FURTHER RESOLVED, That in expression of our appreciation and regard, and in support of the month of May as "Better Hearing and Speech Month," we direct that a copy of this resolution be forwarded to Mrs. Fredda White Crenshaw, president, on behalf of the entire membership of the Mobile Speech and Hearing Association.

Approved May 16, 1983

Time: 4:45 P.M.

Act No. 83-277

S.J.R. 50—Senator Menton

SENATE JOINT RESOLUTION

RESOLUTION IN RECOGNITION OF COACH EDDIE STANKY'S OUTSTANDING ACHIEVEMENTS, SERVICE AND DEDICATION TO THE UNIVERSITY OF SOUTH ALABAMA, TO THE JAGUAR BASEBALL TEAM AND TO THE SPORT OF BASEBALL.

WHEREAS, Coach Stanky stunned the baseball world by announcing that the 1983 season would be his last as head coach of the University of South Alabama, closing out the career of one of baseball history's most colorful and delightful characters, and

WHEREAS, since coming to the University of South Alabama in 1969, Stanky has built the Jaguar baseball program into one of the nation's finest as attested by his 448-167 career record and his .728 winning percentage, and

WHEREAS, in addition to the national recognition he has brought to the University of South Alabama and the talented ball-players he has supplied to professional baseball, Coach Stanky has provided area baseball fans with a lot of excitement, and

WHEREAS, Coach Stanky is also a veteran of eighteen years in professional baseball, as both a player and a manager, and

WHEREAS, Coach Stanky participated in three world series, with Brooklyn in 1947, with Boston in 1948, and with New York in 1951, and

WHEREAS, the ageless Stanky has built South Alabama into a national power without forfeiting the concept of the student - athlete,

NOW THEREFORE BE IT RESOLVED BY THE LEGISLA-

TURE OF ALABAMA, BOTH HOUSES CONCURRING, That congratulations, appreciation and support are extended to Coach Eddie Stanky and his family for his many accomplishments and contributions, and for his outstanding efforts in distinguishing the University of South Alabama, the city of Mobile and the State of Alabama in the field of baseball.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to Coach Edward Raymond Stanky.

Approved May 16, 1983

Time: 4:45 P.M.

Act No. 83-278

S.J.R. 61—Senators Goodwin, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J) and Teague

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. R. JULIAN LACKEY OF BIRMINGHAM, ALABAMA.

WHEREAS, the Alabama Legislature has been deeply grieved by the death of Mr. R. Julian Lackey of Birmingham, Alabama, on April 23, 1983; and

WHEREAS, a native of Goodwater, Alabama, Mr. Lackey was the son of Rufus Manning Lackey, a former member of the Alabama Legislature, and his wife, Beatrice Colvard Lackey; he attended Shades Cahaba High School, Gulf Coast Military Academy and the University of Alabama where his social fraternity was Phi Delta Theta; and

WHEREAS, Mr. Lackey, who was a United States Army veteran of World War II, was Chairman of the Board and President of Ridout's Brown Service, Incorporated, which operates eleven funeral homes, a vault company and two florists in the State of Alabama;

and

WHEREAS, as one of our state's most prominent businessmen, Mr. Lackey was further distinguished in service as an involved citizen in numerous civic, charitable and community affairs; and

WHEREAS, he was active in the programs and projects of the American Red Cross, the American Cancer Society, United Appeal, Boy Scouts of America, and with several youth programs throughout the City of Birmingham; and

WHEREAS, Mr. Lackey's numerous memberships included the Monday Morning Quarterback Club, Crippled Children's Foundation, Rotary Club, Exchange Club, Touchdown Club, the Alabama Sight Conservation Advisory Board, and Saint Luke's Episcopal Church of Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. R. Julian Lackey of Birmingham, Alabama, and extend our very deepest sympathy to his daughters: Mrs. Ladie Bea Falkenburg, Mrs. Carleton Real and Miss Averette F. Lackey; to his son, Mr. R. Julian Lackey, Jr., and other family members whose sorrow we share and to whom copies of this resolution shall be sent in expression of our concern for them in their time of such deep grief.

Approved May 16, 1983

Time: 4:45 P.M.

Act No. 83-279

S.J.R. 8—Senators Smith B., Barron and
Smith J.

SENATE JOINT RESOLUTION

COMMENDING THE MADISON COUNTY COMMISSION ON ITS INITIATIVE APPROACH TO A GOAL OF COMBATING THE DRUNK DRIVER PROBLEM IN MADISON COUNTY.

WHEREAS, the Madison County Commission is indeed to be commended on the creation of a Steering Committee to study the feasibility of a Task Force to establish means of combating the problem of drunk drivers; and

WHEREAS, the committee was created in response to a request of the Huntsville-Madison County Chapter of Mothers Against Drunk Drivers, an organization strongly supported by the commission for its past and continuing efforts to effectively attack a prob-

lem in Madison County that, in 1981, had escalated to the highest per capita alcohol-related accident rate in the entire state; and

WHEREAS, with the establishment of said Steering Committee, the Madison County Commission has taken an affirmative first step toward coordinating efforts to improve public policies with respect to drunk driving and substance abuse which further contributes to the overall problem; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the members of the Madison County Commission, for their establishment of a Steering Committee to study the feasibility of the formation of a Task Force to establish effective methods of attack against the drunk driver problem in their area.

Approved May 17, 1983

Time: 4:10 P.M.

Act No. 83-280

S.J.R. 9—Senator Barron

SENATE JOINT RESOLUTION

DESIGNATING A PORTION OF ALABAMA HIGHWAY 79 AS "GOODYEAR BOULEVARD."

WHEREAS, it has been recommended to the City Council of Scottsboro, Alabama, that a portion of Alabama Highway No. 79 lying between the point of intersection of said Highway No. 79 with U. S. Highway No. 72 and its point of intersection with Alabama Highway No. 279, be officially named and designated as "Goodyear Boulevard"; and

WHEREAS, after considering this recommendation, the City Council has concurred in such recommendation and has expressed a desire that said portion of said highway be officially so named and designated by this body; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Alabama Highway No. 79 lying between the point of intersection of said Highway No. 79 with U. S. Highway 72 and its point of intersection with Alabama Highway 279, is hereby named and designated "Goodyear Boulevard."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said portion of Alabama Highway No. 79.

Approved May 17, 1983

Time: 4:10 P.M.

Act No. 83-281

S.J.R. 10—Senator Teague

SENATE JOINT RESOLUTION

COMMENDING ALABAMA NATIVE, MR. CHARLES STEVEN McMILLAN, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in its desire to recognize Alabamians of outstanding achievement, the Alabama Legislature notes the March 1983 selection of Pike County native Charles Steven McMillan as a senior vice president of Consolidated Foods Corporation; and

WHEREAS, Mr. McMillan, who now resides in Darien, Connecticut, is a 1964 graduate of Charles Henderson High School in his hometown of Troy; he also is a 1968 graduate, cum laude, of Auburn University with a Master's Degree in Business from Harvard University, awarded in 1971 following a three-year tour of active duty as an Ensign, United States Navy; and

WHEREAS, in 1975, Mr. McMillan joined the Electrolux Corporation as president of its Aqualux Division; in 1977, he became associated with the parent company, Consolidated Foods Corporation, an international corporate conglomerate; and

WHEREAS, he was promoted to the position of president of Electrolux in July 1982, and to the recent senior vice presidency of Consolidated at the age of just 37 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend former Alabamian, Mr. Charles Steven McMillan, for outstanding accomplishment as a nationally prominent business executive with a firm of such magnitude as the Consolidated Foods Corporation.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. McMillan that he and his wife, the former Gwen Roton of Montgomery, may know of our sincere warm praise, admiration and regard.

Approved May 17, 1983

Time: 4:10 P.M.

Act No. 83-282

S.J.R. 26—Senator Teague

SENATE JOINT RESOLUTION

COMMENDING THE DEVELOPMENT, BY THE DEPARTMENT OF CORRECTIONS, OF THE SUPERVISED INTENSIVE RESTITUTION (SIR) PROGRAM TO ELIMINATE OVERCROWDED CONDITIONS IN COUNTY JAILS, REDUCE VICTIM LOSS THROUGH RESTITUTION, AND OVERALL COST TO ALABAMA TAXPAYERS FOR MAINTAINING INMATES AS WELL AS PROVIDING VOLUNTEER COMMUNITY SERVICE AND FURTHER COMMENDING THE PROPOSAL OF THE BOARD OF PARDONS AND PAROLES TO DEVELOP AN INTENSIVE PROBATION AND RESTITUTION PROGRAM (IPRP) FOR USE BY THE COURTS OF THE STATE.

WHEREAS, the Alabama Department of Corrections has been under federal court order to meet constitutional requirements for housing inmates since 1972; and

WHEREAS, the Department of Corrections has been under federal court order to provide constitutional standards of care and supervision of inmates; and

WHEREAS, all federal requirements essentially have been met; and

WHEREAS, the only major obstacle yet confronting the Department of Corrections is overcrowding of state inmates in county jails, thus burdening county governments and local resources; and

WHEREAS, the SIR and the IPRP programs will provide relief to county governments and the taxpayers of the State of Alabama;

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Alabama Department of Corrections for initiating an innovative and courageous program in providing the means for meeting federal mandates and moving toward final removal of the Alabama Department of Corrections from federal supervision.

BE IT FURTHER RESOLVED, That we commend the efforts of the Board of Pardons and Paroles to develop an intensive probation and restitution program as an alternative to incarceration available to the courts of the state.

BE IT FURTHER RESOLVED, That a copy of the resolution be sent to all state and county criminal justice agencies that they

may know of our legislative support of these programs.

Approved May 17, 1983

Time: 4:10 P.M.

Act No. 83-283

S.J.R. 38—Senators Teague and
deGraffenried

SENATE JOINT RESOLUTION

EXPRESSING THE SENSE OF THE LEGISLATURE OF THE STATE OF ALABAMA THAT THE MEMBERS OF CONGRESS REPRESENTING THE STATE OF ALABAMA SHOULD ACTIVELY SUPPORT AND VOTE FAVORABLY ON THE BILL H.R. 1646, THE RAILROAD RETIREMENT SOLVENCY ACT OF 1983.

WHEREAS, many residents of the State of Alabama are currently engaged in railroad employment or have engaged in such employment in the past and look to the railroad retirement system to provide benefits when they retire; and

WHEREAS, many residents of the State of Alabama are currently receiving benefits under the railroad retirement system and rely on such benefits to a large extent to meet the normal costs of living; and

WHEREAS, any reduction in the amount of benefits received by beneficiaries under the railroad retirement system would have a drastic affect on the ability of these beneficiaries to meet normal living expenses; and

WHEREAS, projections of the financial condition of the railroad retirement system show that unless corrective action is taken, monthly annuities will have to be reduced significantly beginning with the annuity checks to be sent out October 1, 1983, with additional reductions required in the future; and

WHEREAS, a bill, H.R. 1646, the Railroad Retirement Solvency Act of 1983, was introduced in the United States House of Representatives on February 24, 1983, by Mr. Florio; and

WHEREAS, H.R. 1646 would resolve the short-term and long-term financial problems of the railroad retirement system, through an even-handed approach of tax increases on railroad employers and employees and adjustments of benefits to current and future beneficiaries, thereby preserving and protecting the rights and expectations of those currently receiving benefits and those who would re-

ceive such benefits in the future.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE STATE OF ALABAMA, That it is the sense of the Legislature of the State of Alabama that the Members of Congress representing the State of Alabama should actively support and vote favorably on H.R. 1646, the Railroad Retirement Solvency Act of 1983.

Approved May 17, 1983

Time: 4:10 P.M.

Act No. 83-284

S.J.R. 41—Senator Dixon

SENATE JOINT RESOLUTION

EXPRESSING THE LEGISLATURE'S SUPPORT OF SMALL BUSINESS IN ALABAMA.

WHEREAS, the Alabama Legislature, in recognition that small businesses are the most important factor in our nation's economy and the economy of our state, today urges support of May 8-14, 1983, as Small Business Week in Alabama, in concurrence with the national observance; and

WHEREAS, during the 1982 recession year, some 560,000 small businesses were incorporated bringing the nationwide total to 13 million such establishments that provide 3 out of every 4 jobs and employment for more than 50 million Americans; and

WHEREAS, further, small businesses, or those with fewer than 500 workers, represent 99.6% of the businesses in the U.S., 84% of which are those employing less than 20 workers; and

WHEREAS, Alabama data, in trend with national statistics, reveal that 99.3% of our business establishments fall within the small business category, and are the backbone of our state's economy, providing jobs for a workforce of more than 790,000 men and women, a quarter of whom are employed by establishments with 20 or less workers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and salute small business throughout the nation, most particularly those in Alabama, and the vitality of their free enterprise philosophy.

BE IT FURTHER RESOLVED, That in unison of support, we urge all Alabamians to join in the observance of May 8-14, 1983, as

Small Business Week in Alabama, in recognition of the contribution of small business owners to the economic progress and well-being of the State of Alabama.

Approved May 17, 1983

Time: 4:10 P.M.

Act No. 83-285

S.J.R. 55—Senators Barron and Bedford

SENATE JOINT RESOLUTION

DEPLORING THE FAILURE OF THE ALABAMA STATE OFFICE, FARMERS HOME ADMINISTRATION TO FULLY UTILIZE CONGRESSIONALLY APPROPRIATED RURAL HOUSING MONIES ALLOCATED FOR ALABAMA.

WHEREAS, the Congress of the United States appropriates monies which fund the 502 and 515 rural housing programs which are subsequently allocated to the individual states; and

WHEREAS, in the fiscal year 1982, Alabama was allocated \$57.4 million for the Farmers Home Administration (FmHA) 502 (single family housing program); and

WHEREAS, the State Director of the Alabama Farmers Home Administration allowed only \$25.9 million or 45 percent of these monies to be used in Alabama and returned some \$31.5 million to the Farmers Home Administration national pool which was subsequently reallocated to other states; and

WHEREAS, this resulted in monies appropriated and needed to provide safe, sanitary, affordable housing for Alabama's rural citizens being used to house citizens in other states; and

WHEREAS, in the first six months of Fiscal Year 1983, the Alabama Farmers Home Administration Office has allowed only \$11.980 million of the \$28.275 million designated for Alabama for single family rural housing to be used; and

WHEREAS, the low rate of usage of Alabama's Farmers Home Administration funds by the state director has resulted in a reduction of Fiscal Year 1983 funds available to Alabama; and

WHEREAS, while millions of dollars in housing money is being returned from this state for reallocation to other states, there are applications sitting in Alabama's Farmers Home Administration County Supervisor offices which remain unfunded because our Farmers Home Administration is unable or unwilling to process them; and

WHEREAS, unemployment in Alabama is amongst the highest in the nation; and

WHEREAS, the \$31.5 million which the State Director of Alabama's Farmers Home Administration returned for allocation in the Fiscal Year 1982, would have provided Alabama with some 1,050 new rural housing units at an average cost of \$30,000, with some 1,846 jobs and with a stimulus to housing associated industries and business as well as the economy of the State; and

WHEREAS, a similar situation will be experienced with Fiscal Year 1983 funds unless prompt, corrective action is taken; and

WHEREAS, large numbers of people in Alabama who want, and can qualify for Farmers Home Administration housing, are being deprived of the opportunity of home ownership despite the availability of funds in Alabama; and

WHEREAS, the State Director, Farmers Home Administration has allowed our urgently needed rural housing monies to instead serve the interests of other states which are allocated monies by Congress on the same formula as Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deplore the failure of the Alabama State Office, Farmers Home Administration, to fully utilize the resources appropriated by the Congress of the United States for the welfare of Alabama's rural citizens and urge timely action to insure correction of this situation in order to take advantage of those 1983 Fiscal Year monies still available to Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Alabama State Director, Farmers Home Administration; Governor George C. Wallace; each member of Alabama's Congressional delegation; and Charles W. Schuman, Administrator, Farmers Home Administration, Washington, D. C.

Approved May 17, 1983

Time: 4:10 P.M.

Act No. 83-286

S.J.R. 69—Senator Dixon

SENATE JOINT RESOLUTION

COMMENDING THE BREWBAKER JUNIOR HIGH SCHOOL SYMPHONIC BAND.

WHEREAS, the Alabama Legislature notes with commendation

the outstanding accomplishments of the Brewbaker Junior High School Symphonic Band at the American Music Festival in Nashville, Tennessee; and

WHEREAS, during the three-day festival held April 28-30, 1983, at Opryland U.S.A., Montgomery's Brewbaker School captured third place in junior high competition; this outstanding symphonic band also was designated "Best of Class" and received a unanimous "Superior Rating" with a composite score of 91.67; and

WHEREAS, it is further to be noted that the Brewbaker 17-member group of seventh, eighth and ninth grade students, under the accomplished leadership of Director Lavone DuBose, is a brand new band in its first year of existence; this talented ensemble also was one of only three bands from the State of Alabama accepted for participation in the festival which included representative bands from 17 states in competition for the awards; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend heartiest congratulations and most highly commend the Brewbaker Junior High School Symphonic Band and its director Mr. Lavone DuBose, for outstanding accomplishment at the American Music Festival, Opryland U.S.A.

BE IT FURTHER RESOLVED, That Mr. DuBose receive a copy of this resolution, on behalf of the entire band, with a copy also provided for appropriate school display.

Approved May 17, 1983

Time: 4:10 P.M.

Act No. 83-287

S.J.R. 70—Senator Dixon

SENATE JOINT RESOLUTION

COMMENDING THE LAW AWARENESS CLUB, HIGHLAND AVENUE SCHOOL, MONTGOMERY, ALABAMA, AND REQUESTING ITS APPEARANCE BEFORE THE LEGISLATURE.

WHEREAS, in a desire to recognize young Alabamians who exemplify attributes of good citizenship, the Alabama Legislature expresses utmost commendation of the members of the Law Awareness Club at Montgomery's Highland Avenue School and their faculty sponsor, Mrs. Joanne Shum; and

WHEREAS, organized some four years ago and under Mrs.

Shum's leadership for the past two years, the Law Awareness Club was selected in 1982 as the most outstanding school club on the elementary level within the Montgomery School System; the Club also has been recognized by the Montgomery City Council for its activities in combating crime and drug abuse; and

WHEREAS, these 17 young fifth and sixth grade students have recorded such tunes as "Kids Can Be Heroes, Too," and "Rescue Me," the latter written by Mrs. Shum with musical accompaniment provided by members of the Lee High School Band; and

WHEREAS, other activities include the design and distribution of bumper stickers and public service announcements on all local television and major radio stations; and

WHEREAS, the group also has appeared before numerous civic groups, at a number of nursing homes, at the State PTA Conference and before the first annual Governor's Conference on Drugs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Law Awareness Club of Montgomery's Highland Avenue School and the group's sponsor, Mrs. Joanne Shum, for outstanding public service and for responsible involvement in support of law enforcement and in assault against crime and drug abuse.

BE IT FURTHER RESOLVED, That we cordially invite the Law Awareness Club to appear before a joint session of the Alabama Legislature at a date and time to be later set, and that said Club be notified, by copy of this resolution, of our invitation and of our hopeful anticipation of an acceptance.

Approved May 17, 1983

Time: 4:10 P.M.

Act No. 83-288

S.J.R. 73—Senator Teague

SENATE JOINT RESOLUTION

COMMENDING THE ALABAMA SCHOOL FOR THE DEAF GIRLS' BASKETBALL AND TRACK TEAMS.

WHEREAS, the Alabama Institute for Deaf and Blind is recognized as one of the world's most comprehensive institutions for the education of the sensory impaired; and

WHEREAS, it is presently celebrating its 125th Anniversary,

having been established in 1858; and

WHEREAS, one of its components, the Alabama School for the Deaf, excels not only in quality academic programs, but in athletic endeavors as well; and

WHEREAS, the Alabama School for the Deaf Girls' Basketball Team, directed by Coach Kay Wilkerson, during the past season won First Place in the prestigious Mason-Dixon Girls' Basketball Tournament (which included 11 teams from ten southeastern states' schools for the deaf), this competition being hosted on the Alabama School for the Deaf campus; and

WHEREAS, additionally, the team won the Alabama 1-A Area and Region Tournament and proceeded to the State Tournament for the first time ever before being eliminated; and

WHEREAS, the Alabama School for the Deaf Girls' Track Team, under the supervision of Coach Billie Lewis, placed Number One in the 1-A Alabama State High School Track Meet last season, and at the time of the forming of this resolution has just captured the Talladega County and the Sectional Titles on what could be the road to another state championship; and

WHEREAS, these athletic accomplishments deserve the appreciation of Alabamians; and

WHEREAS, the Alabama Legislature joins the administration of the Alabama Institute for Deaf and Blind in warm congratulations to the girls' athletic teams at the Alabama School for the Deaf; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the girls' athletic teams at the Alabama School for the Deaf; we further extend heartiest congratulations on their high level of accomplishment and direct that copies of this resolution be forwarded to Coaches Wilkerson and Lewis, on behalf of their respective teams, and in expression of our pride and pleasure in the achievement of these fine young athletes.

Approved May 17, 1983

Time: 4:10 P.M.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, May 12, 1983, we adjourn to meet again on Tuesday, May 17, 1983.

Approved May 17, 1983

Time: 4:10 P.M.

Act No. 83-290

H.J.R. 139—Reps. Coburn, Casey, Johnson (Roy), Holley, Williams, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright, Zoghby

HOUSE JOINT RESOLUTION

WHEREAS, Mr. Lewis Lehr is the Chairman and Chief Executive Officer of 3M Company; and

WHEREAS, Mr. Lewis Lehr commenced his employment with 3M Company in the year 1953, and rapidly rose to the position he now assumes in that great corporation; and

WHEREAS, 3M is the largest employer in the State of Minnesota and currently has three plants in the State of Alabama; and

WHEREAS, Mr. Lewis Lehr is a student not only of the civic affairs in his state and world, but also in the political arena, having devoted, unselfishly, many hours of his time and in each endeavor, and

WHEREAS, during the executive tenure of Mr. Lehr, 3M has had tremendous growth not only in the State of Minnesota but throughout the free world; and

WHEREAS, Mr. Lehr is extremely knowledgeable and possesses expertise in the realm of economic development and other matters which are of great interest and will prove extremely valuable to the Legislature of the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend a cordial and warm invitation, and by these presents, we do hereby invite Mr. Lewis Lehr, Chairman and Chief Executive Officer of 3M, to address the Alabama Legislature in Joint Session on the 2nd day of June, 1983, at 11:30 A. M. o'clock, or at a time to be determined by the Presiding Officers of the two Houses.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Mr. Lewis Lehr by the Clerk of the House.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-291

H.J.R. 7—Reps. Coburn, Drake, Casey

HOUSE JOINT RESOLUTION

COMMENDING GOVERNOR GEORGE C. WALLACE FOR EXERCISING CAUTION IN THE EXPENDITURE OF STATE FUNDS AND URGING ALL STATE OFFICIALS AND EMPLOYEES IN THE THREE DEPARTMENTS OF GOVERNMENT TO EXERCISE EXTREME CAUTION IN THE EXPENDITURE OF STATE FUNDS.

WHEREAS, the State of Alabama is facing a grave economic

crisis of perhaps unprecedented proportions, with collections falling far below the projected increase in revenue for the current fiscal year; and

WHEREAS, as a result of Alabama's devastating unemployment rate, one of the three highest in the nation, state funds have been even further depleted by the additional and unanticipated increase in demands upon state assistance programs for the needy and unemployed; and

WHEREAS, though recently revenue collections have increased slightly, there is no indication that our weighty financial problems will improve significantly in the near future; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strenuously urge all department heads, state officials and employees to exercise extreme caution in the expenditure of state funds; that all unnecessary purchases, travel and other outlays be avoided so that, together, we might weather the fiscal storm.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-292

H.J.R. 50—Reps. Carter, Butler, Holley

HOUSE JOINT RESOLUTION

REQUESTING THE GOVERNOR TO OBTAIN FEDERAL AID FOR FRUIT GROWERS OF NORTH ALABAMA.

WHEREAS, North Alabama was stricken with an unusually late season killer frost and subfreezing temperatures; and

WHEREAS, said disasterous weather conditions has greatly harmed the fruit crops of fruit growers in that section of our state; and

WHEREAS, said fruit growers are in dire need of public aid to assist said persons in overcoming this natural disaster; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request the Governor to take all necessary steps to obtain federal aid for the fruit growers of North Alabama.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-293

H.J.R. 97—Reps. Richardson, Hall

HOUSE JOINT RESOLUTION

NAMING THAT PORTION OF ALABAMA HIGHWAY 79 BETWEEN U. S. 72 AND INTERSECTION 279 IN JACKSON COUNTY THE "GOODYEAR BOULEVARD."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Alabama Highway 79 between the point of intersection with U. S. Highway 72 and the intersection 279 in Scottsboro, Alabama, in Jackson County, the "Goodyear Boulevard."

BE IT FURTHER RESOLVED, That the state highway department is hereby directed to erect the appropriate signs designating such portion of highway.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-294

H.J.R. 99—Reps. Rains, Coleman

HOUSE JOINT RESOLUTION

COMMENDING BRIAN MASTERS OF ALBERTVILLE, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, the Alabama State Council on the Arts and Humanities and the Alabama Congress of Parents and Teachers, Inc., recognize the arts as a vital and enriching segment of children's education; and

WHEREAS, the Sixth Annual Superintendent's Visual Arts Awards are being sponsored by these two organizations to honor Alabama's talented students; and

WHEREAS, the Superintendent's Arts Awards Exhibit being held in the State Capitol is representative of works that have been selected through individual school competitions, which works were then chosen to represent city or county school systems in a statewide competition; and

WHEREAS, Brian Masters, who attends the sixth grade at Alabama Avenue Middle School in Albertville, Alabama, has been selected as the first place winner in the category grades six through 8; and

WHEREAS, Brian Masters, who is the son of Mr. and Mrs.

Doug Masters of Albertville, Alabama, is indeed to be congratulated for this outstanding achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both congratulate and commend Brian Masters of Albertville, Alabama, and direct that he receive a copy of this resolution in declaration of our sincere praise and of our warm best wishes for every future success.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-295

H.J.R. 103—Rep. White (L)

HOUSE JOINT RESOLUTION

COMMENDING THE 1982-83 DADEVILLE HIGH SCHOOL "SOUND OF GOLD" MAJORETTES.

WHEREAS, in a desire to recognize outstanding achievement by the youth of Alabama, the Alabama Legislature today expresses high commendation of the 1982-83 Dadeville High School "Sound of Gold" Majorettes; and

WHEREAS, in July 1982, Dadeville High School Majorettes Cile Williams, Janna Evers, Cindy Gibson, Susan Clanton and Shannon Barron traveled to the Corps of Marching Band Camp in Jacksonville, Alabama, where they made the Semi-Finals; and

WHEREAS, Head Majorette Cile Williams and the "Sound of Gold" group again brought great honor to their school and community by capturing the top award among Class A Majorette competitors at the Hoover Invitational Festival this past October; they also, in October, were rated "Superior" by judges of the Heart of Dixie Festival in Prattville, Alabama; and

WHEREAS, it is further to be noted with utmost praise that the Dadeville High School "Sound of Gold" Majorettes were invited, along with the rest of the band, to participate in the Festival of Music Invitational Marching Competition where, on April 22, they were selected as Best Over-all Majorettes in competition with those of ten other bands; the Dadeville High School Band, Alabama's only representative, placed third in the invitational judging; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend heartiest congratulations to the Dadeville High School "Sound of Gold" Majorettes, and to the Dadeville High School Band, on their

outstanding accomplishments.

BE IT FURTHER RESOLVED, That in expression of our sincere commendation, a copy of this resolution shall be provided for appropriate display at Dadeville High School.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-296

H.J.R. 104—Reps. Bennett, Crow,
Browder, Casey,
Campbell

HOUSE JOINT RESOLUTION

COMMENDING THE 1983 JACKSONVILLE STATE UNIVERSITY BASEBALL TEAM AND COACH RUDY ABBOTT.

WHEREAS, The 1983 Jacksonville State University Baseball Team finished its regular season with a 34-5 record winning the Gulf South Conference Championship, and

WHEREAS, Coach Rudy Abbott's Gamecocks are headed for their 10th NCAA Division II Playoffs in 14 years, and

WHEREAS, JSU, currently ranked third in the nation, defeated Valdosta State of Georgia, 11-3 to win its fourth conference championship since 1973, and

WHEREAS, Coach Abbott, who was named "Coach of the Year" for his team's efforts, has won the honor four times previously, and

WHEREAS, Abbott won his 400th coaching victory earlier this season with a 13-5 win over Alabama Christian and now holds a career won-loss record of 407-155, and

WHEREAS, Abbott has had 32 JSU players sign professional contracts and his teams have either won or finished second in its conference 10 of the last 14 years, and

WHEREAS, JSU has the best winning percentage among college teams in Alabama this season and in attendance, only the University of Alabama outdraws the Gamecocks on a regular basis; now therefore,

BE IT RESOLVED THAT THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, does hereby extend its heartiest congratulations to Coach Rudy Abbott and the entire 1983 Gamecock Baseball Team for its

excellent showing and winning tradition, and

BE IT FURTHER RESOLVED, That copies of this resolution be sent with our sincerest appreciation and best hopes for a national crown to Head Coach Rudy Abbott and Jacksonville State President Theron Montgomery.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-297

H.J.R. 105—Reps. Rice, Penry, McMillan, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING THE MADISON COUNTY DELEGATION FOR THEIR EFFORTS IN SO SUCCESSFULLY COORDINATING THE GOVERNOR'S AND LEGISLATURE'S CONFERENCE ON HIGH TECHNOLOGY AND ECONOMIC DEVELOPMENT.

WHEREAS, in commitment to, and as an initial step toward preparing Alabama and its citizens for a leading role in the high technology era that is upon us, the Governor's and Legislature's Conference on High Technology and Economic Development was held April 28, 1983, at the Von Braun Civic Center in Huntsville; and

WHEREAS, assembled for the conference were more than 50 speakers—federal, state and local officials, business and industrial leaders, and education administrators—to offer guidance and recommendations regarding economic development programs necessary to prepare our state for the coming high technology and industrial boom; and

WHEREAS, the Madison County Legislative Delegation served as the coordinating force behind the conference, an assignment which required untold hours of preparation, scheduling and other arrangements; this arduous task, however, was handled to perfection by our colleagues from Madison County, and their efforts were rewarded by the tremendous success of the conference; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep appreciation, we most highly commend the Madison County Delegation and all those so instrumentally involved with the Governor's and Legislature's Conference on High Technology and Economic Development, and therefore justly due credit for the success of the program.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-298

H.J.R. 106—Rep. Minus

HOUSE JOINT RESOLUTION

COMMENDING MR. GEORGE FRANK WILLIAMS, JR., FOR OUTSTANDING LEADERSHIP.

WHEREAS, Mr. George Frank Williams, Jr., of York, Alabama, is a 1978 graduate of Sumter Academy where he excelled in academ-

ics, in extra curricular activities and in school leadership; and

WHEREAS, Mr. Williams is currently attending Livingston University where he has continued his participation and leadership in campus affairs and in the community as well; and

WHEREAS, his activities on campus include membership on numerous committees and charitable drives, and in such organizations as the Owen Love Business Association, Blue Key National Honor Fraternity and the Task Force for the Southern Association of Colleges and Schools, among others; and

WHEREAS, Mr. Williams has been most particularly active with the Livingston University Interfraternity Council as a past treasurer, secretary and vice president, and currently as president; with the University SGA as Freshman and Junior Senator, treasurer and in other capacities; and with his social fraternity, Pi Kappa Phi, which he currently serves as Archon (president) and is a former Historian, Secretary, Vice-Archon and Social Chairman; and

WHEREAS, involved as well in service to the community, Mr. Williams was a member of the 1980 Community Calico Chorus, served as Chairman of the 1981-82 Sumter County Red Cross Blood Drive and as chairman of the 1982 County Toys for Tots Campaign; he also was fraternity representative on the 1982 Cleaner Sumter County Committee and was Volunteer of the 1981 Sumter County Heart Fund Campaign; and

WHEREAS, Mr. Williams' awards include two consecutive Clyde Davis Memorial Awards for Outstanding Brother of the Year, Gamma Alpha Chapter of Pi Kappa Phi, and he is the fraternity's national selection for Outstanding Student of the Year; his bibliographical recognitions are listings in Who's Who Among Students in American Universities and Colleges, International Youth in Achievement, Personalities of the South, and Outstanding Young Men of America, 1982-1983; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. George Frank Williams, Jr., of York, Alabama, for outstanding achievement and for distinguished service to Livingston University and the community.

BE IT FURTHER RESOLVED, That Mr. Williams receive a copy of this resolution that he may be aware of our sincere warm praise and regard.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-299

H.J.R. 109—Rep. Gaston

HOUSE JOINT RESOLUTION

COMMENDING MRS. SANDRA ALFORD McGRAW.

WHEREAS, in keeping with the promotion of the month of May as Better Hearing and Speech Month, it is both appropriate and desirable that the Alabama Legislature recognize Mrs. Sandra Alford McGraw of Mobile, Alabama, for her leadership in communicating to the public information regarding hearing, speech and language disorders which comprise our nation's number one disability; and

WHEREAS, Mrs. McGraw is serving as co-chairman of the Mobile Speech and Hearing Association's campaign which strives to inform citizens that communicative impairment can be helped—medically, surgically, through use of hearing aids or by rehabilitative methods; and

WHEREAS, Mrs. McGraw, a Mobile Speech-Language Pathologist, is a graduate of Auburn University with a B.S. Degree in Speech Pathology and Audiology, and she also holds a Master's Degree from Our Lady of the Lake in San Antonio, Texas; at Lady of the Lake she was the outstanding graduate student in Communication Disorders, and at Auburn was listed in Who's Who; and

WHEREAS, Mrs. McGraw and the Mobile Speech and Hearing Association are indeed deserving of utmost praise for their efforts in promoting early detection, proper treatment, prevention and greater understanding of hearing, speech and language impairment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Sandra Alford McGraw for her leadership in Mobile County in service to the speech, language and hearing impaired.

BE IT FURTHER RESOLVED, That in appreciation for said outstanding service, a copy of this resolution shall be provided for presentation to Mrs. McGraw.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-300

H.J.R. 110—Reps. Gaston, Kvalheim

HOUSE JOINT RESOLUTION

COMMENDING WILLIAM J. "HAPPY" FULFORD FOR HIS SERVICE AND DEDICATION TO THE MOBILE JAYCEES.

WHEREAS, Mr. Fulford has given a year of outstanding leadership to the Jaycees serving as 1982-83 President, and

WHEREAS, Mr. Fulford has been serving the Mobile area through this organization since 1972, and

WHEREAS, Mr. Fulford has also served as president and chairman of the Board of the Mobile Azalea Trail, a major project of the Mobile Jaycees, and

WHEREAS, Mr. Fulford has been honored by his fellow members by being voted as Chairman of the Board of the Mobile Jaycees for 1983-84, and

WHEREAS, Mr. Fulford is also active in many other civic organizations, such as America's Jr. Miss, Mobile United Way, Captain in the U.S. Army Reserves and past president of the University of South Alabama Alumni Association, and

WHEREAS, Mr. Fulford's accomplishments have been recognized time and time again in being selected as Outstanding Young Men of America in 1974, Personalities of the South in 1976, and Who's Who in Politics in 1978, and

WHEREAS, Mr. Fulford is an active member of the Dauphin Way Baptist Church where he serves as 9th grade Sunday School Director, and

WHEREAS, his excellent service has made a great contribution to the Mobile Jaycees and to the City of Mobile and his lifestyle of concern and dedication is greatly admired,

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both Houses concurring in recognition of William J. "Happy" Fulford's outstanding achievements, service and dedication to the Mobile Jaycees in serving as President of this organization,

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to Mr. Fulford.

Approved May 24, 1983

Time: 11:30 A.M.

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. R. JULIAN LACKEY OF BIRMINGHAM, ALABAMA.

WHEREAS, the Alabama Legislature has been deeply grieved by the death of Mr. R. Julian Lackey of Birmingham, Alabama, on April 23, 1983; and

WHEREAS, a native of Goodwater, Alabama, Mr. Lackey was the son of Rufus Manning Lackey, a former member of the Alabama Legislature, and his wife, Beatrice Colvard Lackey; he attended Shades Cahaba High School, Gulf Coast Military Academy and the University of Alabama where his social fraternity was Phi Delta Theta; and

WHEREAS, Mr. Lackey, who was a United States Army veteran of World War II, was Chairman of the Board and President of Ridout's Brown Service, Incorporated, which operates eleven funeral homes, a vault company and two florists in the State of Alabama; and

WHEREAS, as one of our state's most prominent businessmen, Mr. Lackey was further distinguished in service as an involved citizen in numerous civic, charitable and community affairs; and

WHEREAS, he was active in the programs and projects of the American Red Cross, the American Cancer Society, United Appeal, Boy Scouts of America, and with several youth programs throughout the City of Birmingham; and

WHEREAS, Mr. Lackey's numerous memberships included the Monday Morning Quarterback Club, Crippled Children's Foundation, Rotary Club, Exchange Club, Touchdown Club, the Alabama Sight Conservation Advisory Board, and Saint Luke's Episcopal Church of Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. R. Julian Lackey of Birmingham, Alabama, and extend our very deepest sympathy to his daughters: Mrs. Ladie Bea Falkenburg, Mrs. Carleton Real and Miss Averette F. Lackey; to his son, Mr. R. Julian Lackey, Jr., and other family members whose sorrow we share and to whom copies of this resolution shall be sent in expression of our concern for them in their time of such deep grief.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-302

H.J.R. 115—Reps. McKee, Stout,
Richardson, Rains

HOUSE JOINT RESOLUTION

WHEREAS, the members of the Group Alabama have brought favorable recognition to our great state by adopting its beloved name, and

WHEREAS, they have received numerous awards from the entertainment world for their outstanding success, and

WHEREAS, their music is listened to and appreciated by millions, and

WHEREAS, they have rendered unselfish service in behalf of many humanitarian causes, and

WHEREAS, they have set outstanding examples for the young people of this state and nation, and

WHEREAS, they have served for two years as honorary national membership chairmen for the Congress of Parents and Teachers, generously sharing their time and good fortunes with parents, teachers and especially our school children; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Group Alabama for being exemplary citizens and goodwill ambassadors of the great State of Alabama.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-303

H.J.R. 117—Reps. Carter, Butler, Adams,
Albright, Ashley, Bennett,
Biddle, Blake, Blakeney,
Boles, Bowling, Box,
Brakefield, Brooks, Browder,
Bryant, Buskey, Campbell,
Carothers, Casey, Clark,
Clikas, Coburn, Coleman,
Cosby, Crow, Davis, Drake,
Drinkard, Dutton, Escott,
Faulk, Flowers, Ford,
Freeman, Gaston, Goodwin,
Grimsley, Grouby, Hall,

Hammett, Harper, Harvey,
 Hettinger, Holley, Holmes,
 Horn, Howard, Johnson
 (A.L.), Johnson (R.G.),
 Johnson (Roy), Junkins,
 Kennedy, Kvalheim, Laird,
 Langford, Lauderdale,
 Layton, Lewis, McKee,
 McMillan, Manley, Martin,
 Mathis, Melton, Minus,
 Mitchell, Moore, Murphy,
 Nevett, Newman, Nicholson,
 Owens, Parker, Payne,
 Penry, Poole, Preuitt, Rains,
 Reed, Rice, Richardson,
 Rogers, Sasser, Scott,
 Seibels, Smith, Starkey,
 Starr, Stout, Thomas,
 Thornton, Trammell,
 Tucker, Turner, Turnham,
 Venable, Waggoner, Warren,
 White (F), White (L),
 Williams, Wilson, Wright,
 Zoghby

HOUSE JOINT RESOLUTION

NAMING ALABAMA HIGHWAY 20, IN LIMESTONE COUNTY, THE "STATE TROOPER DAVID E. TEMPLE MEMORIAL HIGHWAY."

WHEREAS, National Police Memorial Day is a day that is set aside to honor law enforcement officers slain in the line of duty and this year will be held on May 15, 1983; and

WHEREAS, State Trooper David E. Temple was killed on September 13, 1979, on Alabama Highway 20 in Limestone County, while attempting to stop a suspect driving a stolen car; and

WHEREAS, Trooper Temple was one of the finest law enforcement officers in the State and he gave his life to protect the lives of the citizens of Limestone County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate Alabama Highway 20 in Limestone County from the Morgan County line to the Madison County line, the "State Trooper David E. Temple Memorial Highway."

BE IT FURTHER RESOLVED, That the proper authorities

are hereby directed to erect and maintain appropriate signs and markers so designating said road.

RESOLVED FURTHER, That the family of Trooper Temple receive a copy of this resolution as a memento of this honorary designation.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-304

H.J.R. 119—Rep. Poole

HOUSE JOINT RESOLUTION

RECOGNIZING THE CITY OF ALICEVILLE AS THE OFFICIAL SITE OF THE ALABAMA MARBLES CHAMPIONSHIP TOURNAMENT.

WHEREAS, the City of Aliceville has hosted the Alabama Marbles Championship Tournament for two consecutive years; and

WHEREAS, the Alabama Marbles Championship Tournament has been conducted in a professional and appropriate manner; and

WHEREAS, the Alabama Marbles Championship Tournament provides recreation and fun for both young and old of the State of Alabama; and

WHEREAS, the City of Aliceville and the Aliceville Area Chamber of Commerce are committed to continuing and improving this tournament; and

WHEREAS, it is both fitting and proper that the Alabama Legislature commend the citizens of Aliceville for their contributions to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize the City of Aliceville, in Pickens County, as the official site of the Alabama Marbles Championship Tournament.

BE IT FURTHER RESOLVED, That this resolution be entered into the records of the Alabama Legislature and that a copy of same shall be presented to the City of Aliceville.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-305

H.J.R. 125—Reps. Gaston, Kvalheim

HOUSE JOINT RESOLUTION

COMMENDING MR. JAMES M. HIRS FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, it is with sincere commendation that the Alabama Legislature notes the accomplished tenure of Mr. James M. Hirs as president of the Community Chest and Council of Mobile County; and

WHEREAS, Mr. Hirs, as a result of his dedication and vigorous leadership for the past two years, has provided a sound basis for progressive planning and for the positive financing of human services in Mobile County; and

WHEREAS, Mr. Hirs, who also previously served as budget chairman of United Way, has provided leadership in numerous other areas in the community including America's Junior Miss, Leadership Mobile, the Mobile Carnival Association and Gulf Coast Public Broadcasting; he has additionally served in board membership of many civic and business organizations, and presently is president of the American National Bank and Trust Company; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. James M. Hirs for outstanding service as president of the Community Chest and Council of Mobile County; we further express admiration of his concerned involvement in numerous other community affairs and direct that he receive a copy of this resolution in expression of our heartfelt praise and esteem.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-306

H.J.R. 132—Reps. Albright, Hettinger,
Hall, Freeman, Butler,
Langford, Melton,
Rogers, Howard, Clark,
Nevett, Davis, Thornton,
Horn

HOUSE JOINT RESOLUTION

COMMENDING DR. LEON W. BONNER, DEAN OF THE

SCHOOL OF GRADUATE STUDIES, ALABAMA A & M UNIVERSITY.

WHEREAS, the Alabama Legislature regrets to learn of the impending retirement of Dr. Leon W. Bonner at the close of the current term at Alabama A & M University; and

WHEREAS, a native of Fairhope in Baldwin County, Alabama, Dr. Bonner is a graduate of Tuskegee Institute and holds both a Master's Degree from Michigan State University and the Doctorate of Education from Pennsylvania State University; and

WHEREAS, Dr. Bonner has been associated with Alabama A & M since 1946, in first capacity as an instructor of Poultry Husbandry in the Agriculture Department for a period of four years, followed by a two-year tenure as acting chairman of the Division of Agriculture; in 1952 he became Teacher Educator for the College and the State Department of Agricultural Education, and he currently holds the position of Dean of the School of Graduate Studies; and

WHEREAS, he is an accomplished and published author of numerous scholarly works and other publications, and he is associated through membership with many professional, civic and service organizations; and

WHEREAS, included among Dr. Bonner's affiliations, many of which he has served in leadership capacity, are Gamma Sigma Delta Honor Society, Alpha Tau Alpha Honorary and Phi Delta Kappa Education fraternities and the American Education Research Association; he further is president of the Human Relations Council, serves as a member of the board of the Alabama Coalition Council and is a member of the American Vocational Association, Board of Trustees of Tuskegee Institute, State Board on Human Relations, Southern Regional Council on Human Relations, National Council of Graduate Deans and the Southern Regional Council of Graduate Deans; and

WHEREAS, he additionally is a member, steward and secretary of Saint John's AME Church, past president of both the Creek District of Boy Scouts of America and the board of directors of Community Action Agency, president of the North Kiwanis Club and a member of the NAACP; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. L. W. Bonner for outstanding service to Alabama A & M University, in all areas of the Education field and to the community as well.

BE IT FURTHER RESOLVED, That Dr. Bonner receive a copy of this resolution that he and his family may know of our sincere praise and warmest personal regard.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-307

H.J.R. 134—Reps. Carothers, Mathis, Junkins, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels,

Smith, Starkey, Starr,
 Stout, Thomas,
 Thornton, Trammell,
 Tucker, Turner,
 Turnham, Venable,
 Waggoner, Warren,
 White (F), White (L),
 Williams, Wilson,
 Wright, Zoghby

HOUSE JOINT RESOLUTION

EXPRESSING APPRECIATION TO THE FAMILY OF WAYNE LOVE.

WHEREAS, Wayne Love served the information needs of the people of Alabama for many years; and

WHEREAS, Wayne Love's high standard of liberty and information service provided a model for librarianship in Alabama; and

WHEREAS, Wayne Love was actively involved in the establishment of an accredited Graduate School of Library Science at the University of Alabama; and

WHEREAS, Wayne Love's unflagging devotion to excellence was widely recognized throughout the State by his colleagues; and

WHEREAS, Wayne Love's leadership was greatly valued and trusted; and

WHEREAS, Wayne Love accepted the responsibility for the advancement of the Alabama Library Association and its numerous committees, and

WHEREAS, Wayne Love worked tirelessly as an advocate of quality library and information service to all Alabama citizens; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express deep gratitude and public appreciation to the family of Wayne Love for his contributions to Alabama's public libraries which provide the educational, cultural and information resources for all the people of Alabama.

BE IT FURTHER RESOLVED, That the Legislature of Alabama express its sympathy to the family of Wayne Love and that a copy of this Resolution be provided to Mrs. Love as an expression of our sincere regard.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-308

H.J.R. 135—Rep. Box

HOUSE JOINT RESOLUTION

COMMENDING MR. BARRON H. MCGILL OF MOBILE, ALABAMA.

WHEREAS, the Alabama Legislature notes with utmost pride the recent selection of Mr. Barron H. McGill of Mobile, Alabama, to attend The Blue Lake International Music Festival in Rottenbuch, Germany, July 11-August 4, 1983; and

WHEREAS, the festival, an international fine arts camp located in Bavaria, is attended each year, and by invitation only, by some 200 talented young musicians from Europe and North America; and

WHEREAS, it is further to be noted that Barron McGill is one of only 57 American High School students invited to participate, and is the recipient of one of just eight scholarships awarded nationwide; and

WHEREAS, Mr. McGill is a 17-year-old junior at McGill-Toolen High School and the son of Rev. and Mrs. A. L. McGill; he is both an accomplished pianist and alto saxaphonist who plays first chair alto sax with his high school Symphonic Band and has been rated Superior in piano competition by the Mobile Music Teachers' Association; and

WHEREAS, he also has performed with the District VII Honor Band, and last year was named Most Outstanding Sophomore Band Student by his fellow band members; he is a founder of and musician for the Outreach Community Chorus of Prichard and Mobile and, additionally, plays with a local jazz band; and

WHEREAS, he is one of the first two Alabama student musicians to have ever been invited to participate in the festival; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Barron H. McGill for outstanding musical accomplishment; we further congratulate him as the recipient of the prestigious invitation and scholarship to attend The Blue Lake International Music Festival and to join the Festival's concert tour throughout Germany and Western Europe.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. McGill in token of our sincere regard and in expression of our warm best wishes for every future success.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-309

H.J.R. 136—Rep. Box

HOUSE JOINT RESOLUTION

COMMENDING MISS RHONDA KAY FRANKLIN OF MOBILE, ALABAMA.

WHEREAS, the Alabama Legislature notes with utmost pride the recent selection of Miss Rhonda Kay Franklin of Mobile, Alabama, to attend The Blue Lake International Music Festival in Rottenbuch, Germany, July 11-August 4, 1983; and

WHEREAS, the festival, an international fine arts camp located in Bavaria, is attended each year, and by invitation only, by some 200 talented young musicians from Europe and North America; and

WHEREAS, it is further to be noted that Miss Franklin is one of only 57 American High School students invited to participate, and is the recipient of one of just eight scholarships awarded nationwide; and

WHEREAS, Miss Franklin is a 17-year-old junior at McGill-Toolen High School and the daughter of Mrs. Barbara S. Franklin and Ronald E. Franklin; she is both an accomplished pianist and clarinetist who plays first chair clarinet with her high school Symphonic Band and has won first place in the Alabama Music Teachers' District Piano Festival for the past two years; and

WHEREAS, she also has received Superior ratings for clarinet performances in solo and ensemble competition, is a member of the 1983 Alabama All-State Band and has played in the District VII Honor Band; and

WHEREAS, she is one of the first two Alabama student musicians to have ever been invited to participate in the festival; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Miss Rhonda Kay Franklin for outstanding musical accomplishment; we further congratulate her as the recipient of the prestigious invitation and scholarship to attend The Blue Lake In-

ternational Music Festival and to join the Festival's concert tour throughout Germany and Western Europe.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Franklin in token of our sincere regard and in expression of our warm best wishes for every future success.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-310

H.J.R. 137—Rep. Stout

HOUSE JOINT RESOLUTION

COMMENDING ARTIST BEN HAMPTON.

WHEREAS, the Alabama Legislature is eager and proud to recognize those who have, by their works, heightened the appreciation and love of art; and

WHEREAS, the Legislature is equally proud to focus attention on those artists of other states who bring attention to the State of Alabama and its various counties and cities; and

WHEREAS, the nationally renowned artist-naturalist Ben Hampton has beautifully exemplified a scene from rural DeKalb County in his recent painting, "Plum Thicket," as well as several other Northeast Alabama scenes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and honor Ben Hampton for his artistic endeavors and most especially praise him for his work, "Plum Thicket."

BE IT FURTHER RESOLVED, That Mr. Hampton receive a copy of this resolution that he be aware of the warm regard and best wishes offered by the Alabama Legislature.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-311

H.J.R. 138—Reps. Wilson, Starr, McKee,
Holmes, Langford

HOUSE JOINT RESOLUTION

COMMENDING KYLE DAVID SAWYER OF MONTGOMERY'S JEFFERSON DAVIS HIGH SCHOOL, WINNER OF THE

PRESTIGIOUS JIMMY HITCHCOCK MEMORIAL AWARD.

WHEREAS, it is with highest commendation that the Alabama Legislature congratulates Kyle David Sawyer of Montgomery's Jefferson Davis High School, recipient of the 24th Annual Jimmy Hitchcock Memorial Award for "outstanding Christian leadership in athletics"; and

WHEREAS, David Sawyer received the coveted award during impressive ceremonies on May 9, 1983, and was selected from a field of 50 outstanding young high school athletes in the Montgomery area; and

WHEREAS, an all-state football center, David was a three-year starter in every game for the Volunteers and in addition to a clean sweep of all-state honors this past season, he earned all-city honorable mention as a sophomore, and was named to the all-city team both his junior and senior years, and is the recipient of a number of previous awards for excellence; and

WHEREAS, in addition to his numerous athletic accomplishments, David also is president of the Student Council and of the First Baptist Church Youth Council; academically he ranks 14th in his class with a 3.94 grade point average and is a member of the National Honor Society and the Mathematics Honor Society as well; and

WHEREAS, David further was voted by his classmates as "Best All-Around" and "Most Likely to Succeed," an assessment of his peers and the consensus of those who have known him well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Kyle David Sawyer of Montgomery, Alabama, both for athletic excellence and for outstanding leadership through qualities of strength, character and high moral standards.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to David Sawyer and to his parents, Mr. and Mrs. John Sawyer, that they may know we share great pride in David's accomplishments, and personal interest in his promising future as a leader among men.

Approved May 24, 1983

Time: 11:30 A.M.

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. RUTH LAWSON HANSON, PROMINENT BIRMINGHAM PHILANTHROPIST AND CIVIC LEADER.

WHEREAS, the Alabama Legislature notes with deep sorrow the death of Mrs. Ruth Lawson Hanson of Birmingham, Alabama, on April 23, 1983; and

WHEREAS, Mrs. Hanson was the widow of the late Victor H. Hanson, *Birmingham News* owner and publisher, and following her husband's death, served as the newspaper's chairman of the board for a number of years; and

WHEREAS, following the sale of the *News* in the 1950's, Mrs. Hanson diverted her energies and efforts to numerous civic and philanthropic affairs, most particularly concentrating on the fight against diabetes, and support of Birmingham-Southern College; and

WHEREAS, Mrs. Hanson, in personal contribution to the University of Alabama Medical School in Birmingham, endowed a chair of medicine in diabetes and metabolism, and her support of fund-raising efforts was instrumental in the establishment of the Diabetes Research Education Center at UAB; and

WHEREAS, she was further instrumental in the establishment of scholarships at Birmingham-Southern College and for a women's residence hall on campus as well as other physical improvements; she was entirely generous both in personal financial support and in unselfish sharing of her time and efforts; and

WHEREAS, it is to be noted with deep admiration that much of the beauty in Mrs. Hanson's benevolence was in the anonymity of her sharing with others, and her only reward was the joy and satisfaction of having thus shared; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Ruth Lawson Hanson of Birmingham, Alabama; we further extend our most heartfelt sympathy to her family, whose sorrow we truly share and to whom a copy of this resolution shall be sent.

Approved May 24, 1983

Time: 11:30 A.M.

HOUSE JOINT RESOLUTION

COMMENDING MR. JOHN W. SNIDER, SR., OF LIVINGSTON, ALABAMA, FOR OUTSTANDING MUNICIPAL SERVICE.

WHEREAS, in dedicated and responsible service, Mr. John W. Snider, Sr., was employed with the City of Livingston in Sumter County, Alabama, since 1959, first serving with the all volunteer fire department, and later being appointed as Fire Chief by Mayor W. D. Moore in 1964;

WHEREAS, Mr. Snider's tenure, which has been under three Mayors and as many city managers, provided Livingston with a continuity of excellent service that few Alabama municipalities enjoy; and

WHEREAS, in addition to his duties as Fire Chief, he was also fiscal officer of all operations with responsibility for a budget of some \$125,000.00; and

WHEREAS, although Mr. Snider's staff expanded from an all volunteer group in 1959 to five full time employees and twenty volunteer firemen today, he remained on call seven days a week; and

WHEREAS, not only was Mr. Snider responsible for fire protection in Livingston, but also for ambulance service not only in Livingston, but also within the entire county; and

WHEREAS, Mr. Snider was long considered by many city officials as one of Livingston's most valuable employees, an opinion shared by many citizens who have benefited from his years of loyal, devoted, and conscientious service in their behalf, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. John W. Snider, Sr., for outstanding achievement during his tenure of service with the City of Livingston, Alabama.

BE IT FURTHER RESOLVED, That Mr. Snider receive a copy of this resolution that he and his family may be aware of this body's deep admiration and esteem.

Approved May 24, 1983

Time: 11:30 A.M.

MOURNING THE DEATH OF MR. ONIS GLENN OF WETUMPKA, ALABAMA.

WHEREAS, the Legislature of Alabama notes with deep sorrow and regret the death of Mr. Onis Glenn of Wetumpka, Alabama, on April 30, 1983, at the age of 74 years; and

WHEREAS, Mr. Glenn, who was serving as a City Councilman at the time of his death, was first elected to the municipal governing body in 1972, and was subsequently twice re-elected to his post; prior to council service, he had been a member of the Wetumpka Water Works and Sewer Board; and

WHEREAS, in addition to many years of public service, Mr. Glenn also was a former prominent area businessman for some 29 years; he was a member of the First Baptist Church of Wetumpka and was associated through the years with a number of civic and community organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we grievously mourn the death of Mr. Onis Glenn of Wetumpka, Alabama, and extend our deepest sympathy to his wife, Mrs. Cynthia Arant Glenn, his son, Onis Glenn, Jr., and to all other family members as well.

BE IT FURTHER RESOLVED, That the family of Mr. Onis Glenn shall receive a copy of this resolution that they may know of our sincerely shared sorrow in the loss of a dedicated public servant and prominent community leader.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-315

H.J.R. 147—Reps. Venable, White (L)

HOUSE JOINT RESOLUTION

COMMENDING THE WIND CREEK MUMMERS AND DESIGNATING THE GROUP AS THE ALABAMA FOLK THEATRE.

WHEREAS, the Wind Creek Mummeters of Alexander City State Junior College maintains a high level of talent and performance as folk tale tellers; and

WHEREAS, this group aids and encourages through their efforts the preservation of our rich oral tradition; and

WHEREAS, they spend many hours bringing to the citizens of Alabama laughter, fond memories, and exciting recollections of our

rich heritage; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend most highly the Wind Creek Mummies for their contribution to the people of the State of Alabama.

BE IT FURTHER RESOLVED, That, the Wind Creek Mummies be designated The Alabama Folk Theatre.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-316

H.J.R. 148—Reps. Browder, Crow,
Campbell, Casey,
Bennett

HOUSE JOINT RESOLUTION

COMMENDING JACKSONVILLE STATE UNIVERSITY, RECIPIENT OF GULF SOUTH CONFERENCE ALL-SPORTS TROPHY.

WHEREAS, the Alabama Legislature, with utmost pride and pleasure, notes that the Jacksonville State University Gamecocks have been awarded the Gulf South Conference coveted All-Sports Trophy for 1983; and

WHEREAS, in earning its second consecutive All-Sports Trophy, which represents the Gulf South Conference's finest athletic program, Jacksonville State won two championships and finished in the upper division in six other sports; their total accumulation of 51 points stood far and above the second-place team's 37 points; and

WHEREAS, firmly established as one of the top five Division II schools, athletically, in the nation, JSU's program is truly outstanding and its reputation for excellence has been attained in one of the toughest conferences in the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in great personal pride, we hereby most highly commend and congratulate Jacksonville State University as the recipient of the 1983 Gulf South Conference All-Sports Trophy.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Jacksonville State University in recognition of the Legislature's highest regard for the Gamecocks, their coaches and the entire athletic program at Jacksonville State University.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-317

H.J.R. 150—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, May 17, 1983, we adjourn to meet again on Thursday, May 19, 1983.

Approved May 24, 1983

Time: 11:30 A.M.

Act No. 83-318

H.J.R. 14—Reps. Blake, Adams, Albright, Ashley, Bennett, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Homes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton,

Trammell, Tucker, Turner,
Turnham, Venable,
Waggoner, Warren,
White (F), White (L),
Williams, Wilson, Wright,
Zoghby

HOUSE JOINT RESOLUTION

CALLING ON ALL PUBLIC OFFICIALS TO GIVE THEIR
SUPPORT TO GOVERNOR GEORGE WALLACE.

WHEREAS, the members of the Alabama electorate all knew of the health conditions of Governor George Wallace when he ran for office; and

WHEREAS, the citizenry of this state overwhelmingly elected Governor Wallace to the highest office in this state; and

WHEREAS, he has bravely contended with the pain he suffers and is doing a fantastic job of overcoming this pain; and

WHEREAS, it behooves all public officials and all members of this legislature to support Governor Wallace; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do encourage the citizens of this State, the news media, and all public officials and all members of this legislature to give their wholehearted support to George C. Wallace during the remainder of his administration in working out the many serious problems facing the State of Alabama at this time.

Approved May 27, 1983

Time: 3:05 P.M.

Act No. 83-319

H.J.R. 153—Reps. Moore, Smith

HOUSE JOINT RESOLUTION

COMMENDING MRS. BETTY JEAN CLINE PRYOR OF
HELENA, 1983 ALABAMA MOTHER OF THE YEAR.

WHEREAS, the Alabama Mothers Association annually names the Alabama Mother of the Year and for 1983 selected Mrs. Betty Jean Cline Pryor of Helena, Alabama; and

WHEREAS, Mrs. Pryor, the mother of four children, is a physical education teacher at Thompson Middle School; she also serves as organist at Pelham United Methodist Church and is active in the

organization of Church youth programs; and

WHEREAS, Mrs. Pryor's selection as Mother of the Year was based on her embodiment of those traits highly regarded in mothers such as courage, cheerfulness, patience, affection, kindness, understanding and a homemaking ability; and

WHEREAS, she further unquestionably fulfills other qualifications of the association's Search Committee in her sense of responsibility in civic affairs, activities in public service and church involvement, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mrs. Betty Jean Cline Pryor of Helena, Alabama, as Alabama's Mother of the Year for 1983; we further direct that Mrs. Pryor receive a copy of this resolution that she, her children and other family members may know of our sincere praise and warmest personal regard.

Approved May 27, 1983

Time: 3:05 P.M.

Act No. 83-320

H.J.R. 156—Rep. Payne

HOUSE JOINT RESOLUTION

COMMENDING THE HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL GIRLS VOLLEYBALL TEAM.

WHEREAS, by virtue of victory over previously unbeaten Mountain Brook, in two straight matches, the Hewitt-Trussville Junior High School team won the Jefferson County Junior High Volleyball Tournament in late October 1982; and

WHEREAS, under the talented leadership of Head Coach Jackie Davis, Hewitt posted a league record of eight wins and three losses, receiving the championship trophy on a combination of both league and tournament wins; and

WHEREAS, the Hewitt-Trussville Volleyball Champs are: Jean Fields, Tina Hollis, Kim Jacobs, Cathy Jones, Gwen Jones, Shelia Nestor, Angie Oakes, Wendy Rinks, Captain Kelly Smith, Missy Tuck, Helen Turner and Stephanie Whittington, each of whom greatly contributed to the team's outstanding season and the county championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly

commend the Hewitt-Trussville Junior High School Girls Volleyball Team on the Jefferson County Championship and direct that both the team and Coach Davis receive copies of this resolution, with a copy also provided for appropriate school display.

Approved May 27, 1983

Time: 3:05 P.M.

Act No. 83-321

H.J.R. 157—Reps. Buskey, Kennedy, Clark

HOUSE JOINT RESOLUTION

COMMENDING MR. NATHANIEL ALEX RICHARDSON,
PROMINENT ALABAMA EDUCATOR.

WHEREAS, Mr. Nathaniel Alex Richardson, principal of Ariel W. Holloway Elementary School in Mobile, Alabama, has announced his retirement to coincide with the conclusion of the current school term; and

WHEREAS, Mr. Richardson, whose career is distinguished both in length of tenure and in accomplishment, has served in public education in Alabama for 43 years, 26 of those years as a principal in Mobile County; and

WHEREAS, he has dedicated his life and energies to the youth of Alabama and has worked tirelessly to ensure that the children of Alabama receive the education they need and deserve; and

WHEREAS, Mr. Richardson and his wife, Mrs. Pearl Richardson, are the parents of four children—Palmer, James, Nathaniel, Jr., and Alberta—all of whom are teachers in Mobile County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Nathaniel Alex Richardson of Mobile, Alabama, on his distinguished educational career and express our sincere appreciation for his dedicated service on behalf of the youth of Alabama and most particularly in Mobile County.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to Mr. Richardson that he may know of our sincere warm praise and highest regard.

Approved May 27, 1983

Time: 3:05 P.M.

Act No. 83-322

H.J.R. 159—Reps. Kennedy, Turner, Clark,
Box, Buskey

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. ROSIE S. DUNCAN OF
MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of Mrs. Rosie S. Duncan of Mobile, Alabama, on May 14, 1983, at the age of 77 years; and

WHEREAS, Mrs. Duncan, who was a native and lifelong resident of Mobile, was a retired teacher of the Mobile County Public School System; as an active educator, she had been professionally affiliated with both the Alabama and National Education Associations and, in retirement, active in membership with the Retired Teachers' Association; and

WHEREAS, she was a lifelong member of Stewart Memorial Christian Methodist Episcopal Church where she was ever faithful in attendance, and deeply committed in service as a former member of the Trustee Board and Director of the Board of Christian Education, and as a member of the Stewardess Board in which capacity she was serving at her death; and

WHEREAS, Mrs. Duncan, who also was prominent in civic and community involvement, was a Charter Member of the Lula B. Leeper Federated Club and had served as the organization's first treasurer; and

WHEREAS, the death of Mrs. Rosie S. Duncan has indeed left a deep void in her community and in the lives and hearts of those who knew and loved her as a devout Christian lady who lived her life in service to her Savior and to the needs of others, In His Name; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we give thanks for her life, we grievously mourn the death of Mrs. Rosie S. Duncan of Mobile, Alabama.

BE IT FURTHER RESOLVED, That we extend sincere and deepest sympathy to her beloved husband, Mr. Fred Duncan; her devoted niece, Mrs. Carolyn Bowers of Altadena, California; her aunt, Mrs. Cleo Nichols of Mobile; and to her cousins, other rela-

tives and friends, to whom a copy of this resolution shall be sent in declaration of our shared sorrow in their great and grievous loss.

Approved May 27, 1983

Time: 3:05 P.M.

Act No. 83-323

H.J.R. 160—Rep. Payne

HOUSE JOINT RESOLUTION

COMMENDING EDDIE AND TERRY CROCKER, STATE WRESTLING TITLISTS FROM ERWIN HIGH SCHOOL.

WHEREAS, the Alabama Legislature extends heartiest congratulations to Eddie and Terry Crocker of Birmingham, Alabama, the first brothers ever to win state wrestling titles for Erwin High School; and

WHEREAS, at the Class 4A State Meet held at Jefferson State Junior College, Eddie Crocker, a 134-pound senior, wound up a 34-0 season by defeating his Huntsville opponent 11-8; and

WHEREAS, when brother Terry, wrestling for the 155-pound title as a junior, downed his Shades Valley rival 4-2, the Crocker brothers made history for Erwin High; and

WHEREAS, wrestling coach John Huber also is to be commended for his talented guidance and instruction, and for his encouragement during many long months of workouts and practice in preparation for the big state event; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Eddie and Terry Crocker of Birmingham, Alabama, and Erwin High School; we further congratulate them as Class 4A State Champions and direct that they and Coach Huber receive copies of this resolution in token of our admiration of their dedication and achievement, and in expression of our best wishes for every continuing success.

Approved May 27, 1983

Time: 3:05 P.M.

Act No. 83-324

H.J.R. 162—Rep. Williams

HOUSE JOINT RESOLUTION

COMMENDING MRS. MARTHA IBYS GALLO OF DALEVILLE HIGH SCHOOL, RECENT INDUCTEE INTO THE JACKSONVILLE STATE UNIVERSITY TEACHER HALL OF FAME.

WHEREAS, the Alabama Legislature notes in pleased concurrence the selection of Mrs. Martha Ibys Gallo to the Jacksonville State University Teacher Hall of Fame, a prestigious recognition accorded Mrs. Gallo from a field of five prominent Alabama teacher-educator finalists in the Secondary Division; and

WHEREAS, Mrs. Gallo, a science teacher at Daleville High School for the past 18 years, taught previously in Wicksburg and in North Alabama for some ten years; she was operating a business in Daleville, however, when she was asked to join the Daleville High faculty to fill a "temporary" staff vacancy; and

WHEREAS, Mrs. Gallo is a University of Alabama graduate with a Master's Degree from Troy State University; she is a truly dedicated teacher who in 1982 was named the most Outstanding Biology Teacher in Alabama, and she has been nominated for the Teacher Hall of Fame honor on three occasions and was in the 1980 slate of finalists for the award; and

WHEREAS, she has further served the community, and most particularly its youth, with her instrumental involvement in the establishment of a public library in Daleville; prior to such reality, Mrs. Gallo had provided library service for the community from her own private collection of books, materials and other publications; and

WHEREAS, Mrs. Gallo, who is a member of the First United Methodist Church of Daleville where she has served five years as chairman of the Administrative Board, is listed in such biographies as Personalities of the South, Outstanding Citizen of the Bicentennial Era and Biography of Outstanding Citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Mrs. Martha Ibys Gallo for faithful and outstanding service to the community and youth of Daleville, Alabama; we further congratulate Mrs. Gallo on her inclusion in the Jacksonville State University Teacher Hall of Fame.

BE IT FURTHER RESOLVED, That Mrs. Gallo receive a copy

of this resolution in declaration of our deep appreciation and of our highest regard of her accomplishments.

Approved May 27, 1983

Time: 3:05 P.M.

Act No. 83-325

H.J.R. 165—Reps. Nicholson, Brakefield

HOUSE JOINT RESOLUTION

WHEREAS, James Earnest recently retired as a member of the Walker County Medical Center's Board of Trustees, and

WHEREAS, James Ernest was appointed to the Community Hospital Board of Trustees in the year 1957, and

WHEREAS, James Earnest is the only surviving charter member of the Community Hospital trustees, which is now known as the Walker County Medical Center Board of Trustees, and

WHEREAS, the 26 years of service by James Earnest as a trustee have been ones of distinction, and have been used during which the hospital has made great strides, and has culminated in the completion of a modern medical facility located in Jasper, Alabama, and

WHEREAS, community involvement and civic responsibility are words that have never been taken lightly by James Earnest, and James Earnest has throughout his lifetime served as a model for all citizens of Walker County, and

WHEREAS, James Earnest has always been active in his community affairs, affairs of his union, his church; and because of his efforts his community and this State is a better place in which to live.

BE IT THEREFORE RESOLVED By the Legislature of Alabama, both Houses concurring, that we heartedly congratulate and commend James Earnest on his outstanding civil achievements and his retirement from the Walker County Medical Center's Board of Trustees. Resolved further that James Earnest receive a copy of this Resolution.

Approved May 27, 1983

Time: 3:05 P.M.

Act No. 83-326

H.J.R. 168—Rep. Minus

HOUSE JOINT RESOLUTION

COMMENDING MR. GEORGE FRANK WILLIAMS, JR.,
FOR OUTSTANDING LEADERSHIP.

WHEREAS, Mr. George Frank Williams, Jr., of York, Alabama, is a 1978 graduate of Sumter Academy where he excelled in academics, in extra curricular activities and in school leadership; and

WHEREAS, Mr. Williams is currently attending Livingston University where he has continued his participation and leadership in campus affairs and in the community as well; and

WHEREAS, his activities on campus include membership on numerous committees and charitable drives, and in such organizations as the Owen Love Business Association, Blue Key National Honor Fraternity and the Task Force for the Southern Association of Colleges and Schools, among others; and

WHEREAS, Mr. Williams has been most particularly active with the Livingston University Interfraternity Council as a past treasurer, secretary and vice president, and currently as president; with the University SGA as Freshman and Junior Senator, treasurer and in other capacities; and with his social fraternity, Pi Kappa Phi, which he currently serves as Archon (president) and is a former Historian, Secretary, Vice-Archon and Social Chairman; and

WHEREAS, involved as well in service to the community, Mr. Williams was a member of the 1980 Community Calico Chorus, served as Chairman of the 1981-82 Sumter County Red Cross Blood Drive and as Chairman of the 1982 County Toys for Tots Campaign; he also was fraternity representative on the 1982 Cleaner Sumter County Committee and was Volunteer of the 1981 Sumter County Heart Fund Campaign; and

WHEREAS, Mr. Williams' awards include two consecutive Clyde Davis Memorial Awards for Outstanding Brother of the Year, Gamma Alpha Chapter of Pi Kappa Phi, and he is a nominee for the fraternity's national selection for Outstanding Student of the Year; his bibliographical recognitions are listings in Who's Who Among Students in American Universities and Colleges, International Youth in Achievement, Personalities of the South, and Outstanding Young Men of America, 1982-1983; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That we hereby most
highly commend Mr. George Frank Williams, Jr., of York, Alabama,
for outstanding achievement and for distinguished service to Living-

ston University and the community.

BE IT FURTHER RESOLVED, That Mr. Williams receive a copy of this resolution that he may be aware of our sincere warm praise and regard.

Approved May 27, 1983

Time: 3:05 P.M.

Act No. 83-327

H.J.R. 169—Rep. Bennett

HOUSE JOINT RESOLUTION

COMMENDING THE HOMEWOOD HIGH SCHOOL MARCHING BAND AND STAR-SPANGLED GIRLS ON THEIR SELECTION TO REPRESENT ALABAMA IN THE 1984 ROSE PARADE.

WHEREAS: The Homewood High School Marching Band has been selected to participate in the 95th Tournament of Roses Parade in Pasadena, California on January 2, 1984, and

WHEREAS: Homewood is the first band from Alabama ever selected to take part in the world-famous spectacular which in 1984 will feature the top 23 high school bands in the nation, and

WHEREAS: More than 1.4 million people will watch the parade from curbside and another 125 million on network television preceeding the Rose Bowl, and

WHEREAS: The Homewood High School Band has previously represented Alabama with great distinction from Macy's Thanksgiving Day Parade in New York to Madri Gras in New Orleans, and

WHEREAS: The 180-members of the Homewood Band, Star Spangled Girls and Homewood Guard will also perform by special invitation on New Year's Day, January 1, 1984 at Disneyland; now therefore be it

RESOLVED: That the Legislature of Alabama, both houses thereof concurring, does hereby extend its heartfelt congratulations to each member of the overall Homewood Band organization and to its leaders, Band Director Pat Morrow, Star Spangled Girls Choreographer Cindy Wade and Guard Director Daryl Ussery, for an outstanding season, and be it further

RESOLVED: That the Legislature is especially appreciative for the goodwill being generated for Alabama by the various events in which the Homewood High School Band so able represents this

state, and be it finally

RESOLVED: That copies of this resolution be sent to Mr. Morrow, Mrs. Wade, Mr. Ussery and to Homewood High School Principal Jack Farr.

Approved May 27, 1983

Time: 3:05 P.M.

Act No. 83-328

H.J.R. 174—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, May 19, 1983, we adjourn to meet again on Tuesday, May 24, 1983.

Approved May 27, 1983

Time: 3:05 P.M.

Act No. 83-329

H.J.R. 176—Rep. Holmes

HOUSE JOINT RESOLUTION

INVITING THE REVEREND JESSE JACKSON TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

WHEREAS, The Reverend Jesse Jackson has indicated his potential presidential candidacy; and

WHEREAS, This Legislature desires to be fully informed by all declared and potential candidates for the United States Presidency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our invitation to the Reverend Jesse Jackson to address a joint session of the Legislature on Tuesday, May 24, 1983, the hour to be determined and communicated to Reverend Jackson.

RESOLVED FURTHER, That a copy of this resolution be sent or communicated to Reverend Jackson as soon as possible.

Approved May 27, 1983

Time: 3:05 P.M.

Act No. 83-330

H.J.R. 62—Reps. Waggoner, Layton,
Biddle, Murphy, Boles,
Moore, Wright

HOUSE JOINT RESOLUTION

URGING THAT THE JEFFERSON COUNTY BOARD OF EDUCATION ALLOW SCHOOL SUPERINTENDENT JACK HUNT TO REPRESENT THE UNITED STATES IN A SAILING RACE FROM ENGLAND TO THE UNITED STATES.

WHEREAS, the Alabama Legislature takes great pride in noting the numerous and distinctive accomplishments of Jefferson County School Superintendent Jack Hunt; and

WHEREAS, his many contributions to the field of education include the implementation of various programs to upgrade the management within the schools and the professionals on the staff, including an innovative system to screen and employ applicants for managerial positions; and

WHEREAS, in order to ascertain public opinion concerning the school system in the county, he was instrumental in conducting polls and surveys which brought positive national attention to Jefferson County and the State of Alabama; and

WHEREAS Dr. Hunt has been afforded a once-in-a-lifetime opportunity to participate in the international Observer Singlehanded Transatlantic Race (O-STAR) in the late Spring and early Summer of 1984; and

WHEREAS, the race of sailboats from England to the United States, then back to Newport, is acclaimed worldwide and his presence as a sailor representing the United States would bring distinction and honor to our county and state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge and implore the members of the Jefferson County Board of Education to make every possible effort to allow Superintendent Jack Hunt to take an extended leave of absence or whatever is necessary in order to compete in the O-STAR.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Dr. Hunt and to the members of the Jefferson County Board of Education that they may know of our concern in this matter.

Approved May 27, 1983

Time: 3:05 P.M.

Act No. 83-331

S. 270—Senators Mitchem, Little and
Barron

AN ACT

To make a supplemental appropriation from the State General Fund for interest on the public debt, for partial payment of the State's share of administrative costs and matching grants furnished by the Federal Emergency Management Agency and to appropriate from the Heritage Trust Income account certain administrative costs for the fiscal year ending September 30, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made (including without limitation, the appropriations heretofore made in Act No. 82-569 enacted at the 1982 Regular Session of the Legislature), there is hereby appropriated from the State General Fund of the State Treasury for the fiscal year ending September 30, 1983, the following estimated amounts:

- (a) For payment of the interest on Tennessee-Tombigbee Series C Bonds, pursuant to Constitutional Amendment No. 270 as provided in Act No. 248, 1967 Regular Session \$101,497.50
- (b) For payment of the interest on Tennessee-Tombigbee Series D Bonds, pursuant to Constitutional Amendment No. 355 as provided in Act No. 281, 1976 Regular Session \$1,268,720.00
- (c) For payment of the interest on Coosa Waterway Series B Bonds, pursuant to Constitutional Amendment No. 287 as provided in Act No. 162, 1969 Regular Session \$149,575.00
- (d) For partial payment of indebtedness owed Federal Emergency Management Agency for administrative costs and matching grants \$500,000.00

Section 2. There is hereby appropriated from the Heritage Trust Income account to the Board of Trustees, Heritage Trust Fund for the fiscal year ending September 30, 1983, the sum of \$19,855.00 for administrative costs.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 31, 1983

Time: 2:45 P.M.

Act No. 83-332

S. 60—Senator Holmes

AN ACT

To amend Act No. 963, S. 1177 of the 1975 Regular Session of the legislature, relating to the City of Oxford in Calhoun County, so as to provide further for a civil service system; and to provide that the police chief shall be included under the civil service system.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 963, S. 1177 of the 1975 Regular Session of the legislature is hereby amended to read as follows:

“Section 3. The provisions of this act shall apply to all officers and employees in the service of the city or any board, agency or instrumentality thereof except: (a) elective officers; (b) members of appointive board, commissions, and committees; (c) all employees of the city board of education engaged in the profession of teaching or in supervising teaching in the public schools; (d) attorneys, physicians, surgeons, nurses and dentists employed in their professional capacities and employees under the direct or indirect supervision of the Oxford Hospital Board; (e) the judge of any court; (f) independent contractors receiving their remuneration from public funds under contracts awarded by competitive bidding; (g) any person whose employment is subject to the approval of the United States government or any agency thereof; (h) all employees of the Water and Sewer Board; (i) heads of departments, including but not limited to the superintendent of the sanitation department, the recreation director, the City Clerk and the Mayor’s secretary. Provided however, the department heads referred to herein who are presently serving in that capacity may be replaced or removed from office, but they shall not lose their civil service rating, salary or retirement benefits as a result of said removal; (j) the civil service Board of the City of Oxford shall establish a formula for the mayor and the city council to consider in the selection of department heads which will give weight and emphasis to previous service by individuals who were or are city employees.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 31, 1983

Time: 6:10 P.M.

Act No. 83-333

S. 380—Senator Cooley

AN ACT

Relating to Cullman County; to provide for the operation and maintenance of branch banks or additional offices or places of business for banks in the City of Cullman, and other municipalities in Cullman County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank situated in Cullman County, or any municipality therein, or having an authorized office or place of business therein may, with the approval of the Superintendent of Banks of the State of Alabama, establish, maintain and operate branch banks, or additional offices or places of business within the City of Cullman for the receipt of deposits, payment of checks, making of loans and conducting a general banking business.

Section 2. Any bank situated or having an authorized place of business in any municipality within Cullman County, may with the approval of the Superintendent of Banks of the State of Alabama, establish, maintain and operate branch banks, or additional offices or places of business within such municipality in which such bank is located, for the receipt of deposits, payment of checks, making of loans, and conducting a general banking business.

Section 3. The provisions of this Act are cumulative and are in addition to any other provisions of law providing for branch banks, or additional offices or places of business for banks in Cullman County, and the municipalities therein.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon it otherwise becoming a law.

Approved May 31, 1983

Time: 5:05 P.M.

Act No. 83-334

H. 225—Rep. Poole

AN ACT

To amend Act No. 376 of the 1975 Legislature of Alabama relating to the Greene County Racing Commission and parimutuel wagering in Greene County so as to provide for the compensation of the members of the Racing Commission, to provide for the investment of monies deposited to the credit of the Racing Commission, to pro-

vide that no more than three hundred (300) racing days shall be granted within Greene County to any person, association or corporation or to any track or to any combination of persons, associations, corporations or tracks; to provide that permits or license to conduct race meetings and racing under said Act shall be granted for a period not to exceed ten (10) years from the date of issuance and to further provide that renewals of such licenses shall be issued upon the same terms and conditions as the prior licenses and shall not be denied except for due cause; to provide that every license issued by the Commission shall contain the number of racing days allowed annually to such licensee and shall specify that it is issued upon the terms, conditions, commission of a licensee on a parimutuel pool and tax as contained in said Act which such terms, conditions, commissions of a licensee on a parimutuel pool and tax shall not be altered or changed during the period of such license without the mutual consent of the licensee and Commission; to provide that the licensee shall be permitted to provide separate pools for bets to win, place and show and also a daily double pool, a quiniela pool, a double quiniela pool, a trifecta and such other bets or pools as the Commission may allow, and to provide a source of funding for the retirement of debt service for a new Greene County Courthouse.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 376 of the 1975 Legislature of Alabama is hereby amended to read as follows:

“Section 3. The compensation of each member of the Greene County Racing Commission shall be One Thousand, Four Hundred (\$1,400.00) Dollars per month. One member of said Commission shall be required to be in attendance at each racing event. Each Commissioner who attends a racing event or performs the duties required by this Act shall receive an additional Fifty (\$50.00) Dollars per day. Any member of the Commission while traveling outside of the county on business of the Commission shall also be entitled to his actual expenses. The above sum shall be paid out of the funds of the Greene County Racing Commission and shall be paid to the Commissioners in the same manner as the compensation of other county officers is paid.”

Section 2. Section 4 of Act No. 376 of the 1975 Legislature of Alabama is hereby amended to read as follows:

“Section 4. The Greene County Racing Commission shall be empowered to appoint an individual to serve as treasurer of the Racing Commission which may be one of the members of the Racing Commission, and shall collect all of the license fees, taxes and monies provided in this Act, and shall supervise, check and audit the operation of the parimutuel wagering pools and the conduct and distribution thereof. The Racing Commission shall be empowered to invest said monies in legal investments prior to distribution as provided for in Section 17 of this Act.”

Section 3. Section 7 of Act No. 376 of the 1975 Legislature of Alabama is hereby amended to read as follows:

“Section 7. The Racing Commission is authorized to grant to

any person, association or corporation desiring to operate a race track in the county the right, subject to the provisions of this Act, to hold or conduct one or more race meetings at such track each year provided, however, that no such license shall be granted to any person, association or corporation or to any track or to any number or combination thereof so as to allow more than three hundred (300) racing days in any one year in Greene County. The Commission may establish a minimum number of days not to exceed two hundred fifty (250) that such licensee must conduct races and if so, the license granted shall state the number of days on which races are required and the number of days that races are discretionary with the licensee, however, the total racing days allowed to all licensees, whether discretionary or required, shall not exceed three hundred (300) in any one year. Any and all applicants for license to operate under this Act shall have been residents of the State of Alabama for at least five (5) years immediately preceding the date on which such license is issued."

Section 4. Section 9 of Act No. 376 of the 1975 Legislature of Alabama is hereby amended to read as follows:

"Section 9. On or before the first day of December of each year, any person, association or corporation possessing the qualifications prescribed in this Act shall have the right to apply to the Racing Commission for a permit or license to conduct race meetings and racing under this Act. On or before the first day of January of each year, after the receipt of any such application, the Commission shall convene to consider and act upon all permits or licenses applied for. Approved permits or licenses shall be granted for a period of not more than ten (10) years from the date of issuance and shall set forth in addition to any other information prescribed by the Commission, the name of the licensee, the location of the race track, duration of the race meeting and the kind of racing desired to be conducted and shall show the receipt by the Commission of a license fee set by the Commission, the setting of which is hereby authorized, provided, however, said license fee shall not exceed One Thousand (\$1,000.00) Dollars annually. No such license shall be transferable, nor shall it apply to any other place, track or enclosure except the one specified in this license.

"(1) The Commission shall not issue any licenses which would permit any two race tracks in the county to operate on the same racing days. Further, after the first license has been issued to the licensee, all subsequent applications for a license by a permit holder shall be accompanied by proof (in such form as the Commission may require) that said licensee still possesses the qualifications set out in this Act. Such application for renewal of licenses shall be granted upon the same terms and conditions as previously issued and shall

not be denied except for due cause.

“(2) Seventy-five (75%) percent of the employees of said track or tracks must be bona fide resident citizens of Greene County, Alabama.”

Section 5. Section 14 of Act No. 376 of the 1975 Legislature of Alabama is hereby amended to read as follows:

“Section 14. Every licensee conducting race meetings under the provisions of this Act, shall pay to the ex-officio Treasurer of the Racing Commission for the use of the Commission, a tax in an amount equal to four (4%) percent of the total contributions to all parimutuel pools conducted or made on any race track licensed under this Act. The commission of a licensee on a parimutuel pool shall in no event exceed eighteen (18%) percent of the amount contributed to said parimutuel pool, which amount shall include the four (4%) percent tax heretofore provided. After the deduction of the four (4%) percent for the use of the Commission and the percentage commission of the licensee, the remainder of the total contributions to each pool shall be divided among and redistributed to the contributors to such pools betting on the winning dog. The amount of each redistribution for each winning bet placed shall be determined by dividing the total amount remaining in the pool after the deductions hereinabove provided for by the number of bets placed on the winning dog. Each redistribution shall be made in a sum equal to the next lowest multiple of ten. The licensee is entitled to retain the odd cents of all redistributions to be known as the ‘breaks to the dime’, and all monies represented by any unclaimed, uncashed or abandoned parimutuel tickets known as ‘outs’ money. Under the parimutuel system of wagering herein provided, the licensee shall be permitted to provide separate pools for bets to win, place and show and also a daily double pool, a quiniela pool, double quiniela pool, trifecta pool and such other bets and pools as the Commission may from time to time allow. Each pool shall be redistributed separately as herein provided. Should there be no ticket bet on the winning dog, the entire pool will be divided among the holders of tickets on the dog running next in line until the pool has been redistributed to the contributors. The licensee shall be required to use a totalizator machine to record the wagering and compute the odds. Rules and regulations governing the operation of each of the pools shall be set out in book form by the Racing Commission. The licensee shall collect from each person attending the race meeting under the provisions of the Act fifteen (15%) percent of the established admissions price or ten cents, whichever sum is greater, as an admission tax. Licensees shall make payment of such taxes to the ex-officio Treasurer of the Racing Commission every tenth calendar day of any and every race meeting, which payment shall be accom-

panied by a report on the races covered by such report and such other information as the Commission may require. Every license issued by the Commission shall contain the terms, conditions, provisions, percentage commissions of licensee, and tax as set forth in this Section of the Act, which such terms, conditions, provisions, percentage commission of licensee, and tax shall not be altered or changed during the term of such license without the mutual consent of the Commission and licensee."

Section 6. Section 17 of Act No. 376 of the 1975 Legislature of Alabama is hereby amended to read as follows:

"Section 17. All fees, commissions, taxes and other monies, including fines and forfeitures, received under the provisions of this Act shall be paid to the Treasurer of the Greene County Racing Commission. All such monies remaining after payment of expenses incurred in the administration of this Act, including the payment of the members and employees of this Commission shall be distributed each six (6) months on an annual percentage basis using the amount of monies available for distribution for the calendar year of 1981, plus a sum to be calculated by multiplying said sum available for distribution in 1981 by a factor which shall be called the growth rate. The growth rate is defined as the average annual growth rate from the calendar years, 1978, being the first full year of racing, to June 30, 1982, being the last distribution of such monies. The growth rate as determined by the Racing Commission shall remain constant. The amount of monies available for distribution for the calendar year, 1981, plus the growth rate shall be the formula used by the Racing Commission for the next distribution date, provided, however, on all subsequent distribution dates the Racing Commission shall use the last preceding sum of monies for distribution, plus the growth rate multiplied by said sum as the sum of monies for distribution, if available. Should said sum not be available, then said sum shall be prorated equally as provided for in the following subparagraphs (a), (b), (c) and (d) as follows:

"(a) Five (5%) percent to the Greene County Hospital Board.

"(b) Twenty-five (25%) percent of the monies shall be appropriated to the municipalities of Greene County on a per capita basis according to the most recent population figures used by the federal government for the purpose of revenue sharing, or if these figures are not available, the population figures according to the last federal census shall be used.

"(c) Thirty (30%) percent of the monies shall be appropriated to the Greene County Board of Education.

"(d) Forty (40%) percent of the monies shall be appropriated

to the general fund of Greene County to be allocated and spent in the following prescribed manner:

“(1) Fifty (50%) percent of this amount shall remain unearmarked and may be spent in any manner, provided by law, for the benefit of the citizens of Greene County, by the county governing body thereof.

“(2) Ten (10%) percent to be used by the county governing body to upgrade law enforcement in the county.

“(3) Five (5%) percent for the establishment and maintenance of a county ambulance service.

“(4) Five (5%) percent for other health needs.

“(5) Ten (10%) percent for the establishment and maintenance of day care centers within the county.

“(6) Six (6%) percent to be used by the county governing body to promote economic development within Greene County.

“(7) Four (4%) percent to be appropriated to the Greene County Health Department.

“(8) Four (4%) percent to be used by the county governing body for parks and recreation within Greene County.

“(9) Two (2%) percent to be appropriated to the Greene County Library Association for upgrading of the library system.

“(10) Two (2%) percent to be appropriated to West Alabama Mental Health Center, Inc., to be used for mental health services within Greene County.

“(11) One (1%) percent to be appropriated to the Greene County Historical Society for their use in restoring and preserving historic sites and buildings in the county.

“(12) One (1%) percent to be appropriated to the Greene County Housing Authority.

“(e) Any remaining monies after distribution described in subparagraphs (a), (b), (c) and (d) above shall be distributed to a special building fund for use of the Greene County Commission for building and retirement of debt service for a new county courthouse and jail and for repair and renovation of the existing Greene County Courthouse and adjacent county buildings located on the Courthouse Square. Should the Greene County Commission elect not to build a new Courthouse and jail, or when debt service for the same has been retired, then the above sum shall be distributed as provided for in subparagraphs (a), (b), (c) and (d) above.”

Section 7. The provisions of this Act are severable. In the

event any section, sentence, clause or portions of this Act should be declared invalid by the Court of competent jurisdiction, such invalidity shall not affect the validity of any remaining section, sentences, clauses or portions of this Act, which shall continue as effective.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on June 3, 1983 without approval by the Governor.

Act No. 83-335

H.J.R. 102—Rep. Carothers

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Continuing Select Joint Nuclear Energy Activities and Hazardous Chemical Toxic Waste Oversight Committee, created by Act 81-307, is hereby authorized to extend its reporting date to the Fifteenth Legislative Day.

Approved June 3, 1983

Time: 3:00 P.M.

Act. No. 83-336

H.J.R. 192—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, May 24, 1983, we adjourn to meet again on Thursday, May 26, 1983.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-337

H.J.R. 205—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, May 26, 1983, we adjourn to meet again on Tuesday, May 31, 1983.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-338

H.J.R. 196—Rep. Wright

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF DR. LEWIS HAROLD SPRADLEY.

WHEREAS, the Legislature has noted with a sense of deep regret the passing of Dr. Lewis Harold Spradley, retired minister of the Adamsville United Methodist Church; and

WHEREAS, Dr. Spradley was a true shepherd of his sheep whose advice and counsel was sought by people in all walks of life, and

WHEREAS, other churches he has served include the Lowell United Methodist Church, Roanoke, Alabama, the Eleventh Avenue United Methodist Church of Birmingham, the Center Point United Methodist Church of Birmingham, the Ensley Highlands United Methodist Church of Birmingham and the Martin Memorial United Methodist Church of Wylam; and

WHEREAS, Dr. Spradley is survived by his widow, Dorothy Cross Spradley, and three children, Reverend Carolyn Spradley Pitts, Joyce Spradley Alford and Lewis Harold Spradley, Jr., and eleven grandchildren; and

WHEREAS, Dr. Spradley reflected the uncommon endowments of foresight, perserverence, and capacity for intelligent leadership and he shall be missed keenly by his host of friends in all walks of life to whom he gave so generously of his talents and friendship; and

WHEREAS, he was a prominent and influential leader in the Methodist Church as well as in the religious life of his city and was particularly interested in local projects for young people; and

WHEREAS, Dr. Spradley was a friend to all having many times said "When I am gone from this world, of whatever might be said, I hope people can say that I was a friend to sinners"; and

WHEREAS, this Legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the passing of Dr. Lewis Harold Spradley and express our deep and sincere sympathy to his widow, Dorothy Cross Spradley and his family to whom copies of this resolution shall be sent.

BE IT FURTHER RESOLVED, That a copy of this resolution also be sent to the Adamsville United Methodist Church.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-339

S.J.R. 47—Senators Little and Bedsole

SENATE JOINT RESOLUTION

CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON THE ARTS AND HUMANITIES.

WHEREAS, the Legislature of Alabama notes that there is a growing recognition among Alabama citizens that the performing, visual and literary arts are important to the quality of life of every person, the cultural environment of our communities, the vitality of our cities and to the developing economy of the state; and

WHEREAS, citizen demand for arts experiences has generated public and private support for the arts, creating a beneficial cultural and economic impact on the state; and

WHEREAS, a 1981 statewide study has revealed great citizen interest in incorporating arts into the regular curriculum of our public schools; and

WHEREAS, a 1982 study has revealed the arts to be of great economic impact providing millions of dollars in revenue and providing many jobs; and

WHEREAS, the 1982 Regular Session of the Alabama Legislature passed legislation permitting Alabama taxpayers to designate a portion of their refund to the Arts Development Fund; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That there is hereby created an Interim Committee on the Arts and Humanities, to meet and to report to the Legislature by the fifth legislative day of the 1984 Regular Session on the state of the Arts and Humanities as investigated by the Committee. The Committee shall be entitled to secretarial assistance provided by the Alabama Legislature but the

members of the committee so serving shall do so without compensation. The Committee shall be composed of the two members from both houses who currently serve on the Arts Task Force of the National Council of State Legislatures and three other committee members from each house to be appointed by the Lieutenant Governor and the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be ex officio members of the Committee.

The purpose of this interim committee shall be to study the matter set forth below and such other matters as it may deem appropriate to improve the environment of the state through the encouragement and expansion of the arts. Those specific matters shall be:

1. The appropriate level of state support for the arts;
2. The level of demand for the arts;
3. Methods to promote demand for the arts to increase employment for artists and income for arts organizations;
4. The place of arts in education;
5. The role of government in supporting the arts versus the role of the private sector;
6. The involvement of minorities in the arts;
7. The need for interim, standing or joint committees on the arts;
8. Alternate approaches to supporting the arts;
9. The use of public buildings in non-peak hours for arts activities;
10. The need for art in public places;
11. The availability and accessibility of the arts to all citizens.

BE IT FURTHER RESOLVED, That the Interim Committee will study in general the way that public dollars are being invested in the arts so that these monies are multiplied as significantly as possible; and that the final report of the Committee, along with findings and recommendations, shall be submitted to each member of the Legislature no later than the fifth Legislative day of the 1984 Regular Session.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-340

S.J.R. 77—Senator Kirkland

SENATE JOINT RESOLUTION

NAMING THE NEWLY CONSTRUCTED JEFFERSON DAVIS STATE JUNIOR COLLEGE CENTER, THE "NEAL COLONIAL CENTER."

WHEREAS, a newly constructed building complex was dedicated March 20, 1983, on the campus of Jefferson Davis State Junior College; and

WHEREAS, the new two-story structure houses the school's administrative offices, nursing and biology classrooms and labs, as well as a fully equipped 100-seat capacity auditorium; and

WHEREAS, as the necessary funding for said structure was made available through the W. T. Neal Trust, it is entirely fitting and proper that said complex be named in honor and in appreciation for the generosity of Mr. Neal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in keeping with the dedication of the new building complex at Jefferson Davis State Junior College as the "Neal Colonial Center," we hereby officially name and designate said building as the "Neal Colonial Center."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. W. T. Neal in appreciation of his generosity and in small token of this honorary designation, with a copy also provided for appropriate display in the Neal Colonial Center on the campus of Jefferson Davis State Junior College.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-341

S.J.R. 78—Senator Kirkland

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. PACE W. BOZEMAN OF THOMASVILLE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature notes the death of Mr. Pace Wells Bozeman of Thomasville, Alabama, on April 2, 1983, at the age of just 48 years; and

WHEREAS, Mr. Bozeman had resided in Thomasville since his

arrival in 1965 to assume leadership of *The Thomasville Times*, and to win the hearts of his staff and the highest regard of the Thomasville community; and

WHEREAS, as Editor and Publisher of *The Times*, Mr. Bozeman's executive ability was reflected in the quality of his paper and as an accomplished journalist, his talent was showcased in his weekly column, "Keeping Pace with The Times," a front page feature eagerly waited by faithful readers of each edition; and

WHEREAS, Mr. Bozeman, who was from a family of prominent Alabama newspaper executives, may be said to have had "ink in his blood"; it is also true that he was a man of integrity, compassion and good will whose friendliness and friendship is sadly missed by all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Pace Wells Bozeman of Thomasville, Alabama, and extend our very deepest and sincere sympathy to all his family.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Mr. Bozeman's wife, Mrs. Jackie Hutchisson Bozeman, for their children and other family members that they may know we truly share the sorrow of their great loss.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-342

S.J.R. 79—Senator Mitchem

SENATE JOINT RESOLUTION

DECLARING THE WEEK OF MAY 29-JUNE 4, 1983 AS "ALABAMA POULTRY WEEK".

WHEREAS, the poultry industry is Alabama's largest farm industry, totaling more than \$700 million annually and accounting for over 30 percent of the total farm income in Alabama; and

WHEREAS, Alabama ranks third in the nation in the production of broilers and seventh in eggs; and

WHEREAS, Wade Skidmore of Cotaco Valley, Alabama has served as Chairman of the Board of the Alabama Poultry & Egg Association with dedication, honor and utmost ethical standards; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of May 29-June 4, 1983, is hereby declared "ALABAMA POULTRY WEEK."

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-343

S.J.R. 87—Senator Foshee

SENATE JOINT RESOLUTION

COMMENDING AND CONGRATULATING RAYMOND VAUGHN CHISUM FOR OUTSTANDING ACHIEVEMENT AND DEDICATED SERVICE TO THE STATE OF ALABAMA.

WHEREAS, the Legislature of Alabama is pleased to recognize the accomplishments of Raymond Vaughn Chisum; and

WHEREAS, Mr. Chisum has been recently elected president of Douglas MacArthur State Technical College, Opp, Alabama; and

WHEREAS, Mr. Chisum has received the honorary degree of Doctor of Humane Letters from Mobile College; and

WHEREAS, Mr. Chisum has served his community and the State of Alabama well in many teacher-educator capacities including seven years a high school teacher, seven years a principal of South Highland Elementary School in Opp, Alabama, five years as an assistant superintendent of Opp City Schools, and for more than eight years was Dean of Instruction of Douglas MacArthur State Technical College; and

WHEREAS, Mr. Chisum has taken an active part in civic activities including service with the Chamber of Commerce of Opp; United Fund efforts, including president and fund drive chairman; member and past president of Covington County Health Association; member and past president of the Opp Lion's Club; member and chairman of the Opp City Board of Education, and member of the Alabama Association of School Boards; deacon in the First Baptist Church of Opp and has served that church in various important roles of leadership; and

WHEREAS, Mr. Chisum has rendered outstanding service in many areas and always shown a keen interest in and support for the process of educating the youth of Alabama; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES CONCURRING, that this Legislature congratulate

and commend Raymond Vaughn Chisum for his lasting contributions to his fellow citizens and the great State of Alabama.

BE IT FURTHER RESOLVED, that Raymond Vaughn Chisum receive a copy of this resolution in declaration of our warm personal regard and in best wishes for every future success.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-344

S.J.R. 89—Senators Pearson, Figures,
Hilliard, Bachus and
Parsons

SENATE JOINT RESOLUTION

HONORING DR. BOOKER T. WHATLEY OF TUSKEGEE, ALABAMA.

WHEREAS, Dr. Booker T. Whatley, Alabama born and reared, returned to his home state, in 1969, to accept a faculty position with Tuskegee Institute, Tuskegee, Alabama; and

WHEREAS, as a graduate of Alabama A & M and with a doctorate in horticulture from Rutgers University, Dr. Whatley joined the faculty of Southern University in Louisiana where he was involved with sweet potato breeding, primarily the Carver and the Tuskegee 100 varieties, and also developed 15 varieties of grapes; and

WHEREAS, after returning to Alabama and locating in Tuskegee, Dr. Whatley became interested in and published an academic study and report on the feasibility and financial advantages of small farm operations; as a result of the interest sparked by his publication, a three-year study was financed by a \$250,000 Rockefeller Foundation grant; and

WHEREAS, Dr. Whatley has become eminently successful in his efforts and has proven the worth of his hypothesis with the development of a plan for grossing an unbelievable \$100,000 annually from a maximum of 25 acres; and

WHEREAS, as a result of his achievement, subscriptions to Dr. Whatley's small-farm newsletter have mushroomed from 500 to 20,000 in less than two years; he also is in great demand for lectures and seminars, has appeared on national and regional television and is widely sought for advice and consultation; and

WHEREAS, it is to be noted that Dr. Whatley's success story is

based on his ability and talent for clear, intelligent and unencumbered reasoning; he also is unique in accepting the logic of his research and study, and in acting upon his convictions with celerity and perseverance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein recognize Dr. Booker T. Whatley for extraordinary accomplishment; we express personal pride in his achievement and in the honor he has brought to his native State of Alabama.

BE IT FURTHER RESOLVED, That in token of our commendation and regard, a copy of this resolution shall be provided for Dr. Whatley.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-345

S.J.R. 103—Senator Bailey

SENATE JOINT RESOLUTION

HONORING THE MEMORY OF MR. WAYNE LOVE.

WHEREAS, Wayne Love served the information needs of the people of Alabama for many years; and

WHEREAS, Wayne Love's high standard of library and information service provided a model for librarianship in Alabama; and

WHEREAS, Wayne Love was actively involved in the establishment of an accredited Graduate School of Library Science at the University of Alabama; and

WHEREAS, Wayne Love was employed by the George S. Houston Memorial Library for 27 years and as Director from 1964 to 1982; his tenure was one of distinction, both in exemplary service and devotion, and in accomplished leadership as well; and

WHEREAS, Wayne Love's unflagging devotion to excellence was widely recognized throughout the state by his colleagues, and his leadership was greatly valued and trusted; and

WHEREAS, Wayne Love accepted the responsibility for the advancement of the Alabama Library Association and its numerous committees; and

WHEREAS, Wayne Love worked tirelessly as an advocate of quality library and information service to all Alabama citizens; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That we hereby express deep gratitude and public appreciation to the family of Wayne Love for his contributions to Alabama's public libraries which provide the educational, cultural and information resources for all the people of Alabama.

BE IT FURTHER RESOLVED, That the Alabama Legislature expresses its sympathy to the family of Wayne Love and directs that a copy of this resolution be sent to Mrs. Love and a copy also provided to the George S. Houston Memorial Library for display to the people of Houston County as an expression of our sincere regard for its former Director, Mr. Wayne Love.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-346

S.J.R. 111—Senator Proctor

SENATE JOINT RESOLUTION

COMMENDING THE TAU KAPPA CHAPTER OF CHI OMEGA FRATERNITY AT THE UNIVERSITY OF MONTEVALLO.

WHEREAS, the Sisters of the Tau Kappa Chapter of Chi Omega at the University of Montevallo have for the past three years organized and conducted a highly successful Bike-a-thon in Shelby county for the purpose of raising funds for the American Cancer Society; and

WHEREAS, this event has now raised a total of approximately \$5,000 over the past three years for this most worthy cause; and

WHEREAS, co-chairman Candy Berry and Sandra Robinson are due special commendation for their dedication in organizing this 20-mile event; and

WHEREAS, Chi Omega Fraternity was founded nationally in 1895 with the Tau Kappa Chapter being founded at Montevallo in 1971; and

WHEREAS, not only does Chi Omega supply strong sisterly bonds for college women, it also is a source of service to the community; and

WHEREAS, strong leadership is provided by the officers for 1983 who are: President, Crystal Mosley; Vice President, Carla Jackson; Treasurer, Page Crocker; Secretary, Kelly Lawhon; Pledge Trainer, Denise Moultrie; Personnel, Beth Lloyd; Panhellenic Rep-

representative, Dorothy Phifer; Rush Chairman, Robin Thomas; Social and Civic Chairman, Candy Berry, Sandra Robinson; and

WHEREAS, the 1983 membership and pledges consist of: Laurie Adams, Lynn Brantley, Becky Bowman, Sharon Brown, Patty Carter, Marty Clemons, Cindy Covin, Gina Cox, Adele Babbs, Karla Dean, Tara Dean, Daria DellaPenta, Susan DeRamus, Betsy Dickens, Celeste Dumas, Dawn Ellison, LuAnne Fields, Amy Gartmen, Polly Green, Robbie Grow, Gretchen Guy, Delyn Hawkins, Paige Howard, Donna Hudson, Paula Johnson, Sue Kiefer, Linda Leney, Kim Lawrence, Kathi Lozano, Maureen McGowan, Robin MacPherson, Terri Miller, Karolyn Morgan, Lisa Neel, Iris Peacock, Sandra Peacock, Cathy Pike, Brenda Poole, Melanie Poole, Stacy Ritenour, Vivien Robertson, Kelley Sawyer, Robin Schrohenloher, Cathy Semrick, Mary Semrick, Penny Simmons, Pam Spigarelli, Suzanne Standridge, Helen Tamucci, Anita Thomas, Bridget Thompson, Anita Thrasher, Jeanne Townsend, AnaBelle Valez, Louise Vickers, Beth Vickery, Ruth White, Beth Wilkinson and Susan Wilkinson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend the Sisters of Tau Kappa Chapter of Chi Omega Fraternity for their dedicated public service in conducting the annual Bike-athon for the benefit of the American Cancer Society.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-347

S.J.R. 122—Senator Bedsole

SENATE JOINT RESOLUTION

COMMENDING THE AMERICAN LEGION AUXILIARY AND ITS SPONSORSHIP OF THE ALABAMA GIRLS STATE PROGRAM.

WHEREAS, the American Legion Auxiliary members have always had a vital interest in the youth of America and it was this interest that prompted the formation of the Alabama Girls State Program in 1942; and

WHEREAS, from that first session held at Camp Grandview with 76 participants, the Alabama program has grown annually until now, 40 sessions later, approximately 10,000 girls have completed this outstanding program which has been made possible through the concern, interest, and dedication of many ladies who have given gen-

erously of their time without remuneration; and

WHEREAS, Mrs. Nanna Thomas served as the first Director for Girls State and until 1947 when Mrs. Lillian Andrews assumed the directorship until 1974; Mrs. Andrews was followed by Mrs. George Waite and Mrs. Lucy Jordan who served until 1981; and

WHEREAS, currently, Miss Kay Ivey is Director of Girls State and Marilyn Tamplin is Chairman; Mrs. Julia Berry is Department President for 1982-83; and

WHEREAS, Girls State is now held annually at Huntingdon College in Montgomery, and the Alabama program has become the model for other programs throughout the nation; and

WHEREAS, the purpose of Girls State is to educate young women in the duties, privileges, rights and responsibilities of American citizenship, in order that they may understand and participate in the functioning of their government, and to help them grasp the meaning of responsibilities they must assume as they become adults and to encourage them to become actively involved in the political process; and

WHEREAS, the elected and appointed officials of the State of Alabama, beginning with the office of Governor, have supported, encouraged and cooperated with the leaders of this selective program, believing it to be an important learning process for our future leaders; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the American Legion Auxiliary Department of Alabama, and its leaders, on their sponsorship of Girls State and direct that copies of this resolution be forwarded to Mrs. Julia Berry, Department President, on behalf of the State Auxiliary.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-348

S. 223—Senator Mitchell

AN ACT

To amend Section 1 of Act No. 52, H. 167 of the 1977 First Special Session of the Legislature (Acts 1977, p. 1473) which provided for a public law library in Lowndes County, so as to provide further for certain costs designated to support such library.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 52, H. 167 of the 1977 First

Special Session of the Legislature, (Acts 1977, p. 1473) is hereby amended to read as follows:

"Section 1. In each civil and criminal case hereafter filed in any municipal, circuit or district court in Lowndes County, there shall be taxed as costs the sum of two dollars, (\$2.00). The costs taxed under this act shall be collected as other costs in such cases are collected, and when collected by the clerks or other collecting officers of such courts (including the register of the circuit court) shall be by them paid over to the treasurer or depository of Lowndes County for deposit in the county treasury. The sums so paid over to the county treasury or depository shall be maintained in a separate fund in the county treasury, designated as the Lowndes County law library fund, and shall be expended by the district court judge presiding over Lowndes County for establishing, maintaining, equipping, and operating a law library at Hayneville. The presiding district court judge shall draw warrants on the county treasury in making expenditures for the purposes contemplated in this Act, and shall indicate on the warrants the fund against which the warrants are drawn. The said items of cost above referred to shall be designated as law library fee, and when any part of the costs in a case have been paid, the amount necessary for the payment of said fee shall be applied thereto before applying any of the amount paid as costs to any other item of costs. On or before the tenth day of each month, the clerks or other collecting officers of the respective courts (including the register of the circuit court) shall pay over to the county treasurer or depository all amounts collected as law library fees previously to the first day of the month. The management of the law library is vested in the presiding district court judge of Lowndes County. All books or other property purchased with the funds produced by this act shall be the property of Lowndes County."

Section 2. This act shall become effective immediately upon its adoption by the Legislature and approval by the Governor, or its otherwise becoming a law.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-349

S. 345—Senator Holmes

AN ACT

Relating to county health officers or administrators in Calhoun County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In Calhoun County any county health officer or administrator is hereby authorized to issue an official death certificate in any case within the county, except where an autopsy is required. Data obtained from the attending physician or funeral director shall be kept on file for one year following the death for the purpose of issuing such death certificate. Such certificate shall be in all particulars the same as those issued by the state department of public health in any court or for insurance purposes. Nothing in this act shall affect any existing duty of any person to gather and transmit data to the local registrar or to the state health department.

Section 2. The county health officer shall not later than ten days from the date of death, make such official death certificate available to the surviving spouse or next of kin of the deceased at a fee not greater than that charged by the state health department for the same service. Any officer failing to comply with this section is guilty of a misdemeanor.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-350

H.J.R. 198—Rep. Waggoner

HOUSE JOINT RESOLUTION

HONORING MR. ELMORE "SCOOP" HUDGINS UPON HIS RETIREMENT AS SEC ASSISTANT COMMISSIONER FOR PUBLIC RELATIONS.

WHEREAS, Mr. Elmore "Scoop" Hudgins' 1983 retirement brings to a close an extraordinary 19-year association with Southeastern Conference sports; and

WHEREAS, following his 1948 graduation from Vanderbilt University, where he lettered in wrestling and operated the Sports Information Office, Mr. Hudgins was hired as the University's first full-time Sports Information Director; and

WHEREAS, "Scoop" Hudgins, in 1964, was named by SEC

Commissioner Bernie Moore to establish the conference's Sports Information Department; and

WHEREAS, for the past 19 years, Mr. Hudgins has become nationally known for his innovative procedures for gathering and standardizing statistical data, procedures which now are the accepted practice of his counterparts country-wide; and

WHEREAS, during his SEC career, Mr. Hudgins originated the Coaches Top Twenty, an annual listing of the nation's winningest coaches, for football, basketball and baseball, and developed the SEC Sky-Writers Tour; and

WHEREAS, he is a two-time president of the SEC Sports Information Directors Association, a past president of the national organization, CoSIDA, and a 1979 inductee into the CoSIDA Hall of Fame; and

WHEREAS, Mr. Hudgins is a native of Chattanooga, Tennessee, and attended high school in that city and in Huntsville, Alabama; he also is a four-year veteran of World War II having served in the United States Army Air Force prior to matriculating at Vanderbilt; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Elmore "Scoop" Hudgins on his accomplished SEC career, and on his longtime association with the conference from some 37 years as a student and in the area of sports information.

BE IT FURTHER RESOLVED, That in token of our sincere praise and highest personal regards, a copy of this resolution shall be forwarded to Mr. Hudgins.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-351

H.J.R. 201—Reps. Zoghby, Turner,
 Buskey, Adams,
 Albright, Ashley,
 Bennett, Biddle,
 Blake, Blakeney,
 Boles, Bowling, Box,
 Brakefield, Brooks,
 Browder, Bryant,
 Butler, Campbell,
 Carothers, Carter,

Casey, Clark, Clikas,
 Coburn, Coleman,
 Cosby, Crow, Davis,
 Drake, Drinkard,
 Dutton, Escott, Faulk,
 Flowers, Ford,
 Freeman, Gaston,
 Goodwin, Grimsley,
 Grouby, Hall,
 Hammett, Harper,
 Harvey, Hettinger,
 Holley, Holmes, Horn,
 Howard, Johnson
 (A.L.), Johnson
 (R.G.), Johnson
 (Roy), Junkins,
 Kennedy, Kvalheim,
 Laird, Langford,
 Lauderdale, Layton,
 Lewis, McKee,
 McMillan, Manley,
 Martin, Mathis,
 Melton, Minus,
 Mitchell, Moore,
 Murphy, Nevett,
 Newman, Nicholson,
 Owens, Parker,
 Payne, Penry, Poole,
 Preuitt, Rains, Reed,
 Rice, Richardson,
 Rogers, Sasser, Scott,
 Seibels, Smith,
 Starkey, Starr, Stout,
 Thomas, Thornton,
 Trammell, Tucker,
 Turnham, Venable,
 Waggoner, Warren,
 White (F), White (L),
 Williams, Wilson,
 Wright

HOUSE JOINT RESOLUTION

EXPRESSING SUPPORT OF MANAGEMENT WEEK,
 JUNE 5-11, 1983.

WHEREAS, during the week of June 5-11, 1983, "Management

Week in America" will be nationally observed in recognition of the high level of dedication of the members of the management profession who contribute significantly to the success of the free enterprise system in America and in the State of Alabama; and

WHEREAS, members of the management profession in our state indeed play an essential role in ensuring the continued strength of our economy; and

WHEREAS, it is both fitting and desirable that we in Alabama join in recognition of the accomplishments and contributions of the professional men and women in management who have dedicated themselves to improving the quality of management and thereby increasing production of superior goods and services, permitting successful competition and an improved economy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express support of Management Week in America, and Alabama, and urge the citizens of our State to join in appropriate observance and promotion of the goals of professional management men and women in Alabama.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-352

H.J.R. 204—Reps. Turnham, Smith, Rice, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird,

Langford, Lauderdale,
 Layton, Lewis, McKee,
 McMillan, Manley, Martin,
 Mathis, Melton, Minus,
 Mitchell, Moore, Murphy,
 Nevett, Newman, Nicholson,
 Owens, Parker, Payne,
 Penry, Poole, Preuitt, Rains,
 Reed, Richardson, Rogers,
 Sasser, Scott, Seibels,
 Starkey, Starr, Stout,
 Thomas, Thornton,
 Trammell, Tucker, Turner,
 Venable, Waggoner, Warren,
 White (F), White (L),
 Williams, Wilson, Wright,
 Zoghby.

HOUSE JOINT RESOLUTION

THANKING AUBURN UNIVERSITY.

WHEREAS, on May 18 and 19, Auburn University was the gracious host for the Legislative Conference on Research; and

WHEREAS, Dr. Wilford S. Bailey, Dr. Walter Grimes, Dr. Paul F. Parks and all the other participants informed the Legislature regarding research at Auburn; and

WHEREAS, the Legislature was immensely impressed with the research sites involving agriculture, engineering, physics and veterinary medicine; and

WHEREAS, the members of the House and Senate enjoyed the delicious food, drink and entertainment received "on the Plains"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our sincere appreciation for the regal treatment and the informative displays of technical research in which Auburn University excels.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Dr. Bailey, Dr. Grimes and Dr. Parks that they may know our genuine gratitude.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-353

H.J.R. 208—Rep. Smith

HOUSE JOINT RESOLUTION

COMMENDING THE ISABELLA HIGH SCHOOL MUSTANGS ON THEIR OUTSTANDING BASEBALL SEASON.

WHEREAS, the Isabella High School Mustangs enjoyed an outstanding baseball season posting a phenomenal 14-3 record which included area, regional and quarterfinal championships; and

WHEREAS, in addition to the Area 8 title by virtue of wins of 2-1 and 13-3 over Fayetteville, the Mustangs beat Trinity 13-4 to take the regional crown and then edged out Mt. Olive 11-10 in the quarter final round of the state tournament; and

WHEREAS, the Isabella Mustangs, who also were the Central Alabama Athletic Conference Champions, were led to their fabulous season by Coaches Harold Gilliland and Frank Daniel with Bill Nabors serving as trainer; and

WHEREAS, the Mustangs to be congratulated on their championships are: Jerome Anderson, George Ramsey, Tim Cahalane, Ray Hall, Rodney Hill, Bill Littlefield, Eric Lowery, J. B. Talley, Clark Whatley, Randy Works, David Bishop, William Edwards, Greg Swanner, Woody Culp, Timmy Edwards, Shane Headley, Jamie Le-croy, Rodney Pairett, Earl Scott and Roger Baker; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Isabella High School Baseball team on their outstanding season.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coaches Gilliland and Daniel on behalf of their staff and the Champion Mustangs with a copy also sent to Principal Martha Mims for appropriate school display.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-354

H.J.R. 211—Rep. Nicholson

HOUSE JOINT RESOLUTION

COMMENDING JOHNNIE B. CAIN, PROMINENT ALABAMA EDUCATOR.

WHEREAS, Johnnie B. Cain, teacher of Valley School in

Walker County, Alabama, has announced her retirement to coincide with the conclusion of the current school term; and

WHEREAS, Johnnie B. Cain, whose career is distinguished both in length of tenure and in accomplishment, has served in public education in Alabama for 18 years, 16 of those years at Union Chapel; and

WHEREAS, she has dedicated her life and energies to the youth of Walker County and has worked tirelessly to ensure that the children of Walker County receive the education they need and deserve; and

WHEREAS, the friends of Johnnie B. Cain, her colleagues, students and family are to gather on May 28, 1983 to honor her at Valley School; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Johnnie B. Cain of Walker County, Alabama on her distinguished educational career and express our sincere appreciation for her dedicated service on behalf of the youth of Alabama and most particularly in Walker County.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to Johnnie B. Cain that she may know of our sincere warm praise and highest regard.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-355

H.J.R. 212—Reps. Nicholson, Brakefield

HOUSE JOINT RESOLUTION

COMMENDING COACH GLEN CLEM ON OUTSTANDING BASKETBALL SEASON.

WHEREAS, the Legislature of Alabama has noted that Glen Clem and his Walker College Rebels have brought great pride and recognition to the State of Alabama by being one of the Final Four teams in the National Junior College Basketball Tournament in Hutchinson, Kansas; and

WHEREAS, the 1982-83 Walker College Rebels basketball team got off to an almost disastrous beginning when Coach Glen Clem was stricken with a heart attack during a game; and

WHEREAS, Glen Clem successfully underwent heart bypass surgery and because of his courage and determination Glen Clem

was able to overcome his adversity and return to his team before the end of the basketball season; and

WHEREAS, the example set by Glen Clem inspired the Walker College Rebels to compile a 29-3 record, win the second annual Coal Classic, become the District XX Champions, and being among the Final Four in the National Junior College Tournament played in Hutchinson, Kansas; and

WHEREAS, Glen Clem's 26 years as head basketball coach at Walker College have been ones of distinction which have been highlighted by numerous tournament titles and an unprecedented five Alabama Junior College State Championships; and

WHEREAS, individuals have always been more important to Glen Clem than basketball titles and championships and his greatest successes are the many students and players who have graduated from Walker College and have gone on to be successful in life; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with his family, friends, fellow coaches and fellow citizens in commending and congratulating Glen Clem on his many achievements both on and off the basketball court.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Glen Clem that he may know of our commendation and congratulations and our sincere wishes for many more successes.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-356

H.J.R. 213—Reps. Waggoner, Scott,
Seibels, Venable

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF CLARENCE B. HANSON, JR., CHAIRMAN OF THE BOARD OF THE BIRMINGHAM NEWS COMPANY.

WHEREAS, the Alabama Legislature has been grievously saddened by the death of Mr. Clarence B. Hanson, Jr., of Birmingham, Alabama on May 14, 1983, at the age of 74 years; and

WHEREAS, Mr. Hanson was born in Augusta, Georgia, received a B.S. degree from the University of Virginia in 1929, and an honorary doctorate of letters from the University of Alabama; and

WHEREAS, in 1930, Mr. Hanson joined *The Birmingham News* full time as an advertising solicitor thus beginning an association which was to last 53 years; he also served as national advertising manager, assistant advertising director, then vice president before becoming president and publisher of The Birmingham News Company in 1945, a position he held for a period of 35 years, then became chairman of the board in 1980; and

WHEREAS, Mr. Hanson, was a major in the United States Air Force from 1942-1945; and

WHEREAS, Mr. Hanson was first and foremost a dedicated newspaper publisher, he was also an organizer, vice president and director of Coosa River Newsprint Company (now a division of Kimberly-Clark), a former director of Hayes International Corporation (now City Investing Company), Birmingham Fire and Casualty Company (now St. Paul Companies), Royal Crown Companies, First National Bank of Birmingham and Alabama Bancorporation (now AmSouth Bank and AmSouth Bancorporation); and

WHEREAS, Mr. Hanson was affiliated with numerous professional organizations, both as an active member and a leader, which included The Association Press, The American Newspaper Publishers Association, Southern Newspaper Publishers Association and the Alabama Press Association; and

WHEREAS, he was an Episcopalian and a member of several civic organizations; and

WHEREAS, Mr. Hanson's death has indeed left a deep void in the community he loved and served with unselfish dedication and to the good and betterment of all the citizens of the area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Clarence B. Hanson, Jr., of Birmingham and direct that a copy of this resolution be provided for his family that they all may know we truly share the sorrow of their great loss.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-357

H.J.R. 214—Rep. Gaston

HOUSE JOINT RESOLUTION

COMMENDING MISS MARY JANE RICE OF MOBILE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

WHEREAS, the Alabama Legislature notes with great pleasure and utmost regard the selection of Miss Mary Jane Rice of Baker High School in Mobile, Alabama, as a United States Presidential Scholar Finalist; and

WHEREAS, Mary Jane, who is the daughter of Mr. and Mrs. Harold Thomas Rice, received a composite ACT score of 33 and ranks second in her class of 261 students; and

WHEREAS, in addition to academics, Mary Jane has excelled also in numerous other areas during her high school years: She has been a Junior Civitan, president of the Junior Achievement Company, Student Council Section Representative, National Honor Society and Who's Who among American High School Students; and

WHEREAS, she further was twice voted most studious girl, Junior Achievement in the 10th and 12th grades, Key Club, 11 and 12, Honor Roll 9-12, Future Business Leaders of America, 10th, and Outstanding English Student as well as outstanding Spanish Student in the 11th Grade; and

WHEREAS, Mary Jane has worked as a cashier at Burger King and she plans to enter the School of Engineering at the University of Alabama in the Fall '83 term; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Miss Mary Jane Rice of Mobile, Alabama for outstanding achievement; we further wish her well in all future endeavors and direct that she receive a copy of this resolution in small token of our esteem.

Approved June 3, 1983

Time: 3:00 P.M.

Act No. 83-358

H.J.R. 221—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, May 31, 1983, we adjourn to meet again on Thursday, June 2, 1983.

Approved June 13, 1983

Time: 3:15 P.M.

Act No. 83-359

S.J.R. 123—Senator Cooley

SENATE JOINT RESOLUTION

COMMENDING DR. CHARLES OLIVER, A RETIRING DISTRICT SUPERINTENDENT OF THE CHURCH OF THE NAZARENE.

WHEREAS, Dr. Charles Oliver, a graduate of Bethany Nazarene College, Bethany, Oklahoma, in 1949, served his first pastorate in Texas City, Texas, where he remained for 6½ years; and

WHEREAS, he spent one year as a full time evangelist before accepting a pastorate at Orange, Texas, where he brought in 200 members in the 13 months he was there; and

WHEREAS, he was then appointed District Superintendent of the Mississippi District just 12 years after he became pastor at his first church and served as District Superintendent for seven years in the Mississippi District; and

WHEREAS, he was then Superintendent of the Southwest Indiana District and served in that capacity for nine years and was over 109 Nazarene churches; and

WHEREAS, Dr. Oliver became District Superintendent for the Alabama District of the Nazarene Church six years ago and during this time he has supervised the organization of six new churches in the district, and the district's giving has increased over one and one-half million while he has served as District Superintendent; and

WHEREAS, Dr. Oliver who has a total of 22 years as a District Superintendent of the Church of the Nazarene, is an individual of strong compassion and is a fine Bible preacher; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. Charles Oliver of the Church of the Nazarene; we sincerely wish him well in all future endeavors, and express our sincere regard of his service for 22 years as a District Superintendent and direct that he receive a copy of this resolution in small token of our regard.

Approved June 13, 1983

Time: 3:15 P.M.

Act No. 83-360

S.J.R. 120—Senator Parsons

SENATE JOINT RESOLUTION

COMMENDING THREE ON A STRING FOR THEIR CHARITY AND BENEFIT CONCERTS.

WHEREAS, the musical group "Three On a String," which is composed of Jerry Ryan and Bobby Horton of Birmingham and Andy Meginnis of Dothan, was formed in 1971 in the Birmingham area; and

WHEREAS, the group has delighted their thousands of fans in Alabama and throughout the United States and Canada, having toured extensively during the past decade; and

WHEREAS, the group has played for the Legislature on several occasions and for the legislatures of other states, and for the Governor of South Carolina, and have appeared with the Oak Ridge Boys in concert; and

WHEREAS, Three On a String gives freely and generously of their time and talent each year by performing charity and benefit concerts; they have performed for the Satoma Handicapped Hospital, the Children's Hospital, the United Way, the Helen Keller Festival, the Alabama Conservatory, the Hall of Fame Bowl, the Charlie Boswell Tournament, the Juvenile Diabetes Center, the American Cancer Society, and other groups too numerous to mention; and

WHEREAS, we wish to express our sincere appreciation to this fine group for their generous contributions to the handicapped, the ill and disadvantaged people of this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Three On a String for their charitable and beneficial contributions, and that we wish to express the pride which we have for these fine individuals.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Jerry Ryan, Bobby Horton and Andy Meginnis.

Approved June 13, 1983

Time: 3:15 P.M.

Act No. 83-361

S.J.R. 115—Senators Pearson and Hilliard

SENATE JOINT RESOLUTION

COMMENDING MR. HENRY L. DOBBINS, PROMINENT ALABAMA EDUCATOR.

WHEREAS, Mr. Henry L. Dobbins, principal of Robinson Elementary School in Fairfield, Alabama, has announced his retirement to coincide with the conclusion of the current school term; and

WHEREAS, Mr. Dobbins, whose career is distinguished both in length of tenure and in accomplishment, has served in public education for 32 years, and for the past 15 years in his current capacity at Robinson School; and

WHEREAS, a native of Decatur and now a resident of Birmingham, Mr. Dobbins is a graduate of Alabama State University and holds the Master's Degree from both Alabama A & M and Ohio University; he has studied additionally on the post graduate level at Oak Ridge Institute of Nuclear Studies, Michigan State University, Ohio State University, American University, Ohio University and at the University of Alabama; and

WHEREAS, Mr. Dobbins, who is affiliated with numerous professional organizations, has also served as a Consultant and lecturer for a number of elementary schools and has sponsored and/or conducted numerous workshops and seminars in a variety of areas and on all educational levels; and

WHEREAS, he further has been actively involved in other areas of community concern and in such purviews as scouts and other youth programs, in the political arena and cultural pursuits as well; and

WHEREAS, Mr. Dobbins is a Ruling Elder and Vice Moderator of Westminster Presbyterian Church, Chairman of Men of the Church and additionally serves on the Board of Directors, Greater Birmingham Ministry; and

WHEREAS, a Mason and a member of the NAACP, Mr. Dobbins also is a member of such fraternal honor societies as Kappa Alpha Psi, Beta Kappa Chi, Alpha Kappa Mu and Phi Beta Kappa; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Henry L. Dobbins on his distinguished educational career, community service, religious leadership and numerous outstanding accomplishments.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Dobbins in small token of our sincere regard and of our warm best wishes for continued success in life.

Approved June 13, 1983

Time: 3:15 P.M.

Act No. 83-362

H. 98—Reps. Martin, Dutton, Parker,
Drake

AN ACT

Relating to Morgan County; amending Act No. 80-597, H. 1141, 1980 Regular Session, which provides for the distribution of certain highway gasoline taxes within the county, so as to provide further for the expiration date.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1, 3 and 6 of Act No. 80-597, H. 1141, 1980 Regular Session, is hereby amended to read as follows:

“Section 1. In Morgan County, all funds generated by the state-wide wholesale or retail gasoline tax provided by Sections 40-17-220 through 40-17-225, Code of Alabama 1975, and distributed pursuant to the provisions therein, shall be paid into the county treasury and a separate accounting thereof shall be kept.

“Section 3. The provisions of this act shall not be construed to apply to any funds received from any highway gasoline tax levied pursuant to the provisions of any act or law, except as provided in Section 1 of this act.

“Section 6. The provisions of this act shall become effective on the first day of August, 1980, and shall remain in full force and effect until October 1, 1987.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1983

Time: 3:15 P.M.

Act No. 83-363

H. 181—Reps. Carter, Butler

AN ACT

To amend Sections 1 and 2 of Act No. 433, H. 693, 1969 Regular Session (Acts 1969, p. 836), relating to the issuance of pistol permits in Limestone County, so as to provide further for permit fees, distribution of such fees and issuance of such permits.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act No. 433, H. 693, 1969 Regular Session (Acts 1969, p. 836), are hereby amended to read as follows:

“Section 1. In Limestone County, the fee for the issuance of a

permit to carry a pistol in a vehicle or concealed on or about the person, as provided in Section 13A-11-75 of the Code of Alabama 1975, shall be ten dollars (\$10.00) and shall be collected by the sheriff.

“Upon the purchase of such pistol permit, the purchaser may also register under such permit other pistols owned by members of his household without the payment of additional fee.

“Section 2. All proceeds derived from the issuance of such permits shall be deposited into a fund to be designated The Sheriff's Fund. This fund should be expended by a board consisting of the Chairman of the County Commission, Superintendent of Education and the Limestone County Sheriff to be used for the betterment of law enforcement within the county.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1983

Time: 3:15 P.M.

Act No. 83-364

H. 382—Rep. White (L)

AN ACT

Relating to Tallapoosa County; providing further for an expense allowance for the chairman and members of the county commission; and providing for its retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In Tallapoosa County, the members and chairman of the county commission shall receive an expense allowance in the sum of at least Four Hundred Dollars (\$400.00) per month in addition to all other salaries, fees or compensation now paid to the commission's members and chairman.

Section 2. Such expense allowance shall be increased at the discretion of the county commission of Tallapoosa County.

Section 3. Such expense allowance shall be paid to the members of the commission from funds received by the county under the provisions of Section 40-17-73, Code of Alabama 1975, or from the general fund of the county.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. The operation of this Act shall be retroactive to January 17, 1983, and all actions taken and payments made pursuant thereto on or after that date are ratified and confirmed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on June 15, 1983 without approval by the Governor.

Act No. 83-365

H. 385—Rep. White (L)

AN ACT

Relating to Tallapoosa County; to provide an additional expense allowance for the county coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. In Tallapoosa County the county coroner shall be entitled to receive an additional expense allowance in the amount of \$75.00 per month to be paid out of the county general fund. Said expense allowance shall be in addition to any and all other expense allowances, compensation and salary provided for by law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1983

Time: 3:15 P.M.

Act No. 83-366

H. 386—Rep. White (L)

AN ACT

Relating to Tallapoosa County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Be it Enacted by the Legislature of Alabama:

Section 1. The Alabama Alcoholic Beverage Control Board may in its discretion grant permits to licensed retailers to sell or dispense draft or keg beer or malt beverages anywhere within Tallapoosa County. The board may revoke any such permit so granted if,

in the judgment of the board, the sale of draft or keg beer or malt beverages in the community is prejudicial to the welfare, health, peace and safety of the people of the community or of the state.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective 90 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1983

Time: 3:15 P.M.

Act No. 83-367

H. 422—Reps. Butler, Carter

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Athens, in Limestone County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Athens in Limestone County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

TRACT 1. Beginning at the North West corner of Section 23, Township 3 South, Range 4 West; thence run East along the North Section line of Section 23, 500 feet to the existing City Limit line; thence South along the existing City Limit line 500 feet to the South City Limit line running East and West, being the true point of beginning; thence run East 500 feet South of and parallel to the North Section line of said Section 23 to the East boundary line of said Section 23; thence run North along the east Section line of Section 23 and Section 14 to the South right-of-way line of U. S. Highway 72; thence run Northwesterly along the South right-of-way of U. S. Highway 72 to its intersection with the existing City Limit line; thence run South along the existing City Limit line to the point of beginning.

TRACT 2. Commencing at a point on the Section line of Section 22, Township 3 South, Range 4 West, which is 500 feet South of

the North East corner of said Section; thence continue South along the Section line 840 feet to a point; thence run South 88 degrees 0 minutes West 2682.20 feet to the East boundary of Interstate Highway 65; thence North 2 degrees 1 minute West and along the East boundary of said Highway, to-wit, 739.98 feet to a point on the South boundary of the City Limit line of the City of Athens at this point; thence North 88 degrees 0 minutes East, to-wit, 2675 feet to the true point of beginning.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1983

Time: 3:15 P.M.

Act No. 83-368

H.J.R. 228—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, June 2, 1983, we adjourn to meet again on Tuesday, June 7, 1983.

Approved June 13, 1983

Time: 3:15 P.M.

Act No. 83-369

H. 361—Rep. Cosby

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraphic Examiners Board as provided in Sections 34-25-1 through 34-25-36, Code of Alabama 1975, and the legislature's concurrence thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Polygraphic Examiners Board, and voted to recommend the con-

tinuance of the board created and functioning pursuant to Sections 34-25-1 through 34-25-36, Code of Alabama 1975, which Code sections are expressly continued.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1983

Time: 3:15 P.M.

Act No. 83-370

H. 363—Rep. Cosby

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors as provided in Sections 34-11-1 through 34-11-37, Code of Alabama 1975, and the legislature's concurrence thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-11-1 through 34-11-37, Code of Alabama 1975, which Code sections are expressly continued.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this

Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1983

Time: 3:15 P.M.

Act No. 83-371

H. 364—Rep. Cosby

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors as provided in Sections 34-8-1 through 34-8-27, Code of Alabama 1975, and the legislature's concurrence thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Licensing Board for General Contractors, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-8-1 through 34-8-27, Code of Alabama 1975, which Code sections are expressly continued.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1983

Time: 3:15 P.M.

Act No. 83-372

H. 365—Rep. Cosby

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in Sections 34-17-1 through 34-17-27, Code of Alabama 1975, and the legislature's concurrence thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Examiners of Landscape Architects, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-17-1 through 34-17-27, Code of Alabama 1975, which Code sections are expressly continued.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1983

Time: 3:15 P.M.

Act No. 83-373

H. 366—Rep. Cosby

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners as provided in Sections 34-3-1 through 34-3-44, Code of Alabama 1975, and the legislature's concurrence thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Bar Examiners, and voted to recommend the continu-

ance of the board created and functioning pursuant to Sections 34-3-1 through 34-3-44, Code of Alabama 1975, which Code sections are expressly continued.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1983

Time: 3:15 P.M.

Act No. 83-374

H. 367—Rep. Cosby

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration of Architects as provided in Sections 34-2-30 through 34-2-42 of the Code of Alabama 1975 and the legislature's concurrence thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Registration of Architects, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-2-30 through 34-2-42, Code of Alabama 1975, which Code sections are expressly continued.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1983

Time: 3:15 P.M.

Act No. 83-375

S. 354—Senator Foshee

AN ACT

To alter or rearrange the boundary of the Town of Red Level, Covington County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Covington County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Red Level, Covington County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Red Level and in addition thereto the following described territory, to-wit:

The North one half of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the South one half of the Northwest Quarter of the Southwest Quarter and all of the Southeast Quarter of the Southwest Quarter and the South one half of the Southwest Quarter of the Southeast Quarter of Section 18, Township 5 North, Range 15 East.

The North one half of the Northwest Quarter of the Northeast Quarter, and the North one half of the Northeast Quarter of the Northeast Quarter of Section 19, Township 5 North of Range 15 East.

Section 2. This act shall become effective upon passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1983

Time: 3:15 P.M.

Act No. 83-376

S. 346—Senator Holmes

AN ACT

Relating to Calhoun County; to alter, rearrange and extend the boundary lines and corporate limits of the City of Oxford, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. In Calhoun County, the boundary lines and corporate limits of the City of Oxford are hereby altered, rearranged and extended so as to include within the corporate limits, in addition to the lands now herein included, all of the following territory, to-wit:

(1) Beginning at a point on the North Line of the Oxford-Coldwater Road at its point of intersection with the East line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 35, Twp. 16, R-7, Calhoun County, Alabama; thence Westerly along the North side of said road a distance of one half mile, more or less, to the West line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 35; thence Southerly along said West line a distance of 60 ft., more or less, to the South side of said Oxford-Coldwater Road; thence Easterly along the South Line of said road a distance of one half mile, more or less, to the East line of said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence Northerly along said East line a distance of 60 ft., more or less, to the point of beginning.

(2) And, beginning at the Southwest corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Twp. 16, R-7, Calhoun County, Alabama; thence Easterly along the South line of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, a distance of 105.0 ft., more or less, to the North right-of-way line of Interstate Highway I-20; thence Northeasterly along the North line of said highway a distance of 1,314.5 ft., more or less, to the East line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 35; thence Northerly along said East line a distance of 48.0 ft.; thence Northwesterly a distance of 526 ft. to a point on the South line of the Oxford-Coldwater Road, said point being 420 ft. Westerly from the East line of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence Westerly along the South line of said Oxford-Coldwater Road a distance of 1,018.93 ft. to the Northwest line of Lot 1, as shown on the map of Clearview Subdivision as recorded in the office of the probate judge of Calhoun County, Alabama, in Plat Book "O", page 40; thence So $1^{\circ} 52.8' E$, a distance of 724.69 ft. to the South line of said Section 35; thence Easterly along said section line a distance of 106.0 ft. to the point of beginning, containing 16.8 acres, more or less.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1983

Time: 3:15 P.M.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, June 7, 1983, we adjourn to meet again on Thursday, June 9, 1983.

Approved June 13, 1983

Time: 3:15 P.M.

Act No. 83-378

H.J.R. 248—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, June 9, 1983, we adjourn to meet again on Tuesday, June 14, 1983.

Approved June 20, 1983

Time: 3:30 P.M.

Act No. 83-379

S.J.R. 1—Senator Dixon

SENATE JOINT RESOLUTION

PETITIONING THE CONGRESS OF THE UNITED STATES TO RESTORE THE WORK INCENTIVE PROGRAM TO A REASONABLE FUNDING LEVEL CONSISTENT WITH PROGRAM NEEDS AND RESPONSIBILITIES FOR HELPING RECIPIENTS OF AID TO DEPENDENT CHILDREN IN BECOMING PRODUCTIVE UNSUBSIDIZED WAGE EARNERS.

WHEREAS, the national Work Incentive Program was established in 1967 under the provision of Title VI of the Social Security Act to assist recipients of Aid to Dependent Children in becoming productive wage earners; and

WHEREAS, the national Work Incentive Program has been the moving force in providing opportunities for ADC Recipients to move from welfare dependency to unsubsidized independence as job holders; and

WHEREAS, the national Work Incentive Program has become the primary agency for referral to employment and training programs designed to lead to unsubsidized employment as a replace-

ment for welfare dependency; and

WHEREAS, every Alabamian deserves the opportunity to know the dignity of work as nothing contributes more to an individual's sense of pride and self-worth, and the Work Incentive Program is dedicated to nurturing the mutually rewarding partnership of business and labor with the mission to bridge the gap between welfare dependency and employment; and

WHEREAS, the Alabama Work Incentive Program assisted over 2,600 welfare recipients in becoming productive wage earning members of society in fiscal year 1982, and

WHEREAS, the Work Incentive Program has not been included in the Administration's FY 1984 Budget now before Congress; and

WHEREAS, the Alabama Work Incentive Program returned more than \$7.50 in positive benefits of wages, ADC grant reductions, medicaid savings and food stamp savings for every program dollar spent in fiscal year 1982; and

WHEREAS, the Congress of the United States has funded the Work Incentive Program since its inception; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby petition the Congress of the United States to continue funding the Work Incentive Program at a reasonable funding level consistent with program needs and responsibilities for helping recipients of Aid to Dependent Children in becoming productive unsubsidized wage earners.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the members of the Alabama U.S. Congressional Delegation.

Approved June 20, 1983

Time: 3:30 P.M.

Act No. 83-380

S.J.R. 172—Senators Keener, Parsons,
Teague, Denton, Bishop
and Corbett

SENATE JOINT RESOLUTION

MEMORIALIZING THE PRESIDENT AND CONGRESS TO
PROHIBIT THE IMPORTATION OF STEEL BY THE UNITED
STATES STEEL CORPORATION FROM THE BRITISH STEEL

CORPORATION.

WHEREAS, the proposed transaction between the United States Steel Corporation and the British Steel Corporation for the importation of raw steel into the United States is not in the public interest; and

WHEREAS, the proposed transaction would cause the loss of several hundreds of thousand jobs in U. S. Steel; and

WHEREAS, the proposed transaction would violate the recently negotiated United States-European Community Steel Arrangement; and

WHEREAS, the proposed transaction would violate U. S. unfair trade laws governing subsidized imports; and

WHEREAS, the proposed transaction would break faith with the United Steelworkers of America which, in the recently concluded collective bargaining agreement, made substantial wage concession in exchange for, among other things, a steel industry commitment to modernization; and

WHEREAS, the proposed transaction may violate that collective bargaining agreement with respect to prohibitions on "contracting out"; and

WHEREAS, the proposed transaction would interject a new unfair competitive factor into the domestic steel market thereby forcing other steel companies to import cheap, subsidized raw steel, thus reducing raw steel making capacity in the United States; and

WHEREAS, the proposed transaction would threaten the entire raw steel making capacity of the United States by making this country heavily dependent upon imported raw steel.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, that the Alabama Legislature and the Honorable George C. Wallace, Governor of the State of Alabama call upon the U. S. Congress and the President to use all available administrative and legislative policy tools to prohibit the proposed transaction between the U. S. Steel Corporation and the British Steel Corporation;

That the Secretary of Commerce recognize that the proposed joint venture is in violation of the negotiated quota arrangement with the Common Market and that he take appropriate action to stop the violation;

That the Alabama legislature and the Honorable George C. Wallace, Governor of the State of Alabama call upon the U. S. Steel Corporation to refrain from concluding the proposed transaction

with the British Steel Corporation and to make the necessary investment in modernizing its steel facilities.

Approved June 22, 1983

Time: 1:50 P.M.

Act No. 83-381

H.J.R. 258—Reps. Trammell, Drake, Boles,
Ashley, Drinkard, Albright,
Hall, Moore, Bennett, Rogers,
Coburn

HOUSE JOINT RESOLUTION

MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO PROHIBIT THE IMPORTATION OF STEEL BY THE UNITED STATES STEEL CORPORATION FROM THE BRITISH STEEL CORPORATION.

WHEREAS, the proposed transaction between the United States Steel Corporation and the British Steel Corporation for the importation of raw steel into the United States is not in the public interest; and

WHEREAS, the proposed transaction would cause the loss of several thousand jobs in U. S. Steel; and

WHEREAS, the proposed transaction would violate the recently negotiated United States-European Community Steel Arrangement; and

WHEREAS, the proposed transaction would violate U. S. unfair trade laws governing subsidized imports; and

WHEREAS, the proposed transaction would break faith with the United Steelworkers of America which, in the recently concluded collective bargaining agreement, made substantial wage concession in exchange for, among other things, a steel industry commitment to modernization; and

WHEREAS, the proposed transaction may violate that collective bargaining agreement with respect to prohibition on "contracting out"; and

WHEREAS, the proposed transaction would interject a new unfair competitive factor into the domestic steel market thereby forcing other steel companies to import cheap, subsidized raw steel, thus reducing raw steel making capacity in the United States; and

WHEREAS, the proposed transaction would threaten the entire raw steel making capacity of the United States by making this coun-

try heavily dependent upon imported raw steel; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call upon the U. S. Congress and the President to use all available administrative and legislative policy tools to prohibit the proposed transaction between the U. S. Steel Corporation and the British Steel Corporation;

That the Secretary of Commerce recognize that the proposed joint venture is in violation of the negotiated quota arrangement with the Common Market and that he take appropriate action to stop the violation; and

That the Alabama legislature calls upon the U. S. Steel Corporation to refrain from concluding the proposed transaction with the British Steel Corporation and to make the necessary investment in modernizing its steel facilities.

Approved June 22, 1983

Time: 1:50 P.M.

Act No. 83-382

H. 393—Reps. Coburn, Casey

AN ACT

To amend Section 29-5-12, Code of Alabama, 1975 that requires fiscal notes be attached to all general bills affecting county and municipal funds by requiring that the fiscal note be attached on the third reading rather than on second reading.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 29-5-12, Code of Alabama, 1975 is hereby amended so as to read as follows:

“§29-5-12. Estimate of amount of money involved under provisions of certain bills.

(a) Every general bill creating, eliminating or affecting in any way, a state or local program, service, function or revenue source and which thereby requires the expenditure of county or municipal funds or thereby decreases or increases revenue collections by any county or municipality shall before any vote is taken thereon in the senate or house of representatives, have endorsed thereon or attached thereto an estimate made by the director of the legislative fiscal office of the amount of money involved therein, and the anticipated increase in county or municipal spending or the decrease in county or municipal revenue collections under the provisions of the bill. In the event that insufficient data is available to formulate an estimate of the amount money involved therein, the director shall

note such fact on such endorsement or attachment which shall constitute compliance herewith.

(b) The fiscal note provided under this section shall be endorsed on the bill or attached thereto, and may be printed on the calendar of bills on third reading immediately following the title of the bill.

(c) The director of the legislative fiscal office is authorized to secure information, data, estimates and statistics directly from the employees and officials of the various departments, agencies, institutions, establishments, boards and commissions of the county and municipal governments of the state which is necessary for the director to fulfill the duties and functions imposed upon him by this section. Said employees and officials of all such departments, agencies, institutions, establishments, boards and commissions shall furnish the director any available material which he determines to be necessary in the performance of his duties and functions which are required by this section."

Section 2. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 22, 1983

Time: 3:30 P.M.

Act No. 83-383

S. 320—Senator Kirkland

AN ACT

Relating to Escambia County; repealing Act No. 81-841, H. 1056, 1981 Regular Session, as amended, relating to the county jury commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 81-841, H. 1056, 1981 Regular Session, as amended, which relates to the Escambia County jury commission is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 22, 1983

Time: 3:30 P.M.

Act No. 83-384

S. 456—Senator Aldridge

AN ACT

Relating to Morgan County; providing for the compensation of the superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective at the beginning of the next term of office, the superintendent of education of Morgan County shall be paid an annual salary of \$38,500, which shall be in lieu of all salaries and expense allowances heretofore provided by law for said superintendent. Such salary shall be paid in equal monthly installments. In addition, the superintendent shall be provided an automobile and shall receive a reasonable expense allowance to be set by the Morgan County board of education.

Section 2. All laws or parts of laws which conflict with this act are repealed and Act No. 81-616, H. 1102, 1981 Regular Session (Acts 1981, p. 1032) is hereby specifically repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 22, 1983

Time: 3:30 P.M.

Act No. 83-385

H. 226—Rep. Blake

AN ACT

Relating to county health officers or administrators in St. Clair County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In St. Clair County any county health officer or administrator is hereby authorized to issue an official death certificate in any case within the county, except where an autopsy is required. Data obtained from the attending physician or funeral director shall be kept on file for one year following the death for the purpose of issuing such death certificate. Such certificate shall be in

all particulars the same as those issued by the state department of public health in any court or for insurance purposes. Nothing in this act shall affect any existing duty of any person to gather and transmit data to the local registrar or to the state health department.

Section 2. The county health officer shall not later than ten days from the date of death, make such official death certificate available to the surviving spouse or next of kin of the deceased at a fee not greater than that charged by the state health department for the same service. Any officer failing to comply with this section is guilty of a misdemeanor.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 22, 1983

Time: 3:30 P.M.

Act No. 83-386

S. 428—Senator Aldridge

AN ACT

Relating to Morgan County; to repeal Act No. 79-635, H. 854, Regular Session 1979 (Acts 1979, p. 1116), entitled "An Act Relating to Morgan County; to further provide for the salaries of employees of the Sheriff's Department and to provide for additional employees."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 79-635, H. 854, Regular Session 1979 (Acts 1979, p. 1116), entitled "An Act Relating to Morgan County; to further provide for the salaries of employees of the Sheriff's Department and to provide for additional employees," is hereby expressly repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 22, 1983

Time: 3:30 P.M.

Act No. 83-387

H. 514—Rep. Warren

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Conecuh County to establish annual motor vehicle license taxes and registration fees and ad valorem taxes on certain motor vehicles.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

Notwithstanding any law to the contrary, the Conecuh County Commission is hereby authorized to establish, by validly enacted ordinance, the amount of all Conecuh County annual license taxes and registration fees and ad valorem taxes on all trucks, truck-tractors, trailers and semitrailers located within the county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

CONSTITUTIONAL AMENDMENT

Passed the House May 12, 1983

Passed the Senate as amended June 21, 1983

House concurred in Senate Amendment June 21, 1983

Act No. 83-388

H.J.R. 177—Reps. Mitchell, Poole, Owens,
Melton, Johnson (Roy)

HOUSE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF ALABAMA BASEBALL TEAM.

WHEREAS, the University of Alabama baseball team captured the Southeastern Conference baseball championship with a stellar performance at Starkville; and

WHEREAS, the Crimson Tide claimed the S.E.C. pennant for the first time in 15 years, beating the Mississippi State Bulldogs on their home field by a score of 10 to 9; and

WHEREAS, this nationally ranked ball club won the game in the bottom of the ninth inning with clutch offensive play and coaching strategy; and

WHEREAS, the Tide's victory made the club a triple crown winner, the win gave Bama the S.E.C. championship, clinched an automatic bid to the N.C.A.A. baseball playoffs and helped the University of Alabama win the Bernie Moore all-sports trophy, a trophy given to the school with the best overall athletic performance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Coach Barry Shollenberger, his assistants and the University of Alabama baseball team for their outstanding season and wish the Tide the best of luck in the N.C.A.A. playoffs.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the University of Alabama Athletic Director, Coach Shollenberger and the team captains so they may know of our pride and best wishes.

Approved June 23, 1983

Time: 4:15 P.M.

Act No. 83-389

H.J.R. 184—Rep. Gaston

HOUSE JOINT RESOLUTION

COMMENDING CHARLES G. MUNDEN, OF MOBILE, ALABAMA, UPON HIS SELECTION AS "ENGINEER OF THE YEAR."

WHEREAS, it is with a sense of great pride that the Legislature of Alabama notes the naming of Mr. Charles G. Munden of Mobile, Alabama, as "Engineer of the Year" on February 25, 1983; and

WHEREAS, the presentation of the award culminated National Engineers Week, which sought to familiarize the public concerning the engineering profession and honored members for meritorious service; and

WHEREAS, a native of Texas who received a Bachelor's Degree in civil engineering from Texas A & M University, Mr. Munden joined David Volbert and Associates, Inc., in Mobile in 1958; he is presently responsible for the company's operations in Alabama, Mississippi, Louisiana and Texas; and

WHEREAS, Mr. Munden is a director of both the Mobile Post, Society of American Military Engineers and the Mobile Chapter, Alabama Society of Professional Engineers and is a member of the National Society of Professional Engineers, American Water Works As-

sociation, Toastmasters International, the Country Club of Mobile, the Mobile Chamber of Commerce and is an Elder in the Presbyterian Church of Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Mr. Charles G. Munden of Mobile, Alabama, upon his noteworthy career and numerous contributions.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Mr. Munden as evidence of our high esteem and warmest personal regard.

Approved June 23, 1983

Time: 4:15 P.M.

Act No. 83-390

H.J.R. 197—Reps. Mitchell, Poole

HOUSE JOINT RESOLUTION

COMMENDING WILLIAM H. LANG, III, OF REFORM, ALABAMA, UPON WINNING THE STATE JUNIOR DIVISION MARBLES TOURNAMENT.

WHEREAS, it is with a sense of great pride that the Legislature of Alabama notes that William Henry "Bunky" Lang, III, of Reform, Alabama, won the state junior championship at the second annual Alabama Marbles Championship Tournament on April 30, 1983; and

WHEREAS, the son of Pickens County Probate Judge and Mrs. William H. Lang, Jr., Bunky is twelve years old and in the seventh grade at Pickens Academy; and

WHEREAS, by defeating twelve-year-old Kim Manning of Aliceville, Bunky will fly to Wildwood, New Jersey to compete for the national marbles championship June 19 through 23; and

WHEREAS, Bunky's grandfather William H. Lang and his great grandfather Oscar Hancock, both served as members of the Alabama House of Representatives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate William Henry Lang, III, of Reform, Alabama, on winning the junior championship at the Alabama Marbles Championship Tournament and wish him all the best of luck in the national championship.

BE IT FURTHER RESOLVED, That a copy of this resolution

be sent forthwith to Bunky, his parents and his brother Brad, as evidence of our high esteem and warmest personal regard.

Approved June 23, 1983

Time: 4:15 P.M.

Act No. 83-391

H.J.R. 207—Reps. Seibels, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker,

Payne, Penry, Poole,
 Preuitt, Rains, Reed,
 Rice, Richardson,
 Rogers, Sasser, Scott,
 Smith, Starkey,
 Starr, Stout, Thomas,
 Thornton, Trammell,
 Tucker, Turner,
 Turnham, Venable,
 Waggoner, Warren,
 White (F), White
 (L), Williams,
 Wilson, Wright,
 Zoghby

HOUSE JOINT RESOLUTION

COMMENDING THE CHILDREN'S HOSPITAL OF ALABAMA AND URGING ALL ALABAMIANS TO HELP MAKE A MIRACLE HAPPEN MAY 28-29, 1983.

WHEREAS, The Children's Hospital of Alabama, since 1911, has been Alabama's and Mississippi's only hospital specializing solely in the care of children and young people, and has expanded through the years to a present-day 160-bed regional facility providing primary outpatient, inpatient and specialty clinic care to children throughout a six-state area; and

WHEREAS, The Children's Hospital of Alabama has further evolved into one of our nation's major research and training facilities involved in all areas of pediatric concern; and

WHEREAS, The Children's Hospital has a policy of accepting all patients and, this year alone, some 100,000 youngsters will be treated, not only in emergency instances, on outpatient basis or for one-day surgery care, but in such acute care facilities as the Burn Treatment, Cancer Treatment, Trauma, Kidney Treatment and Transplantation Centers; and

WHEREAS, other areas in the facility's full range of treatment, care and research include cystic fibrosis, epilepsy, allergies, physical handicaps, lung diseases, adolescent problems, diabetes, and poison control; and

WHEREAS, in further health care advancement solely for children, the University of Alabama in Birmingham soon will extend its surgical program to include the Children's Hospital so that pediatric heart patients may now be served at that facility as well as UAB Hospital; and

WHEREAS, though miracles do happen daily at The Children's Hospital of Alabama, an opportunity now arises so that all Alabamians may contribute to the miracle of The Children's Hospital by participating in the Children's Miracle Network Telethon, the first of its kind to benefit children's hospitals such as our Children's Hospital in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both highly commend and express inordinate pride in The Children's Hospital of Alabama and the quality treatment available for those in need of care; we further would request that all Alabamians unite and let us make a miracle happen through support of the Children's Miracle Network Telethon, May 28 and 29, with all funds raised in Alabama allocated to The Children's Hospital of Alabama.

Approved June 23, 1983

Time: 4:15 P.M.

Act No. 83-392

H.J.R. 209—Reps. Mathis, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooke, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy),

Junkins, Kennedy,
 Kvalheim, Laird,
 Langford,
 Lauderdale, Layton,
 Lewis, McKee,
 McMillan, Manley,
 Martin, Melton,
 Minus, Mitchell,
 Moore, Murphy,
 Nevett, Newman,
 Nicholson, Owens,
 Parker, Payne,
 Penry, Poole, Preuitt,
 Rains, Reed, Rice,
 Richardson, Rogers,
 Sasser, Scott, Seibels,
 Smith, Starkey,
 Starr, Stout, Thomas,
 Thornton, Trammell,
 Tucker, Turner,
 Turnham, Venable,
 Waggoner, Warren,
 White (F), White (L),
 Williams, Wilson,
 Wright, Zoghby.

HOUSE JOINT RESOLUTION

MEMORIALIZING THE ALABAMA CONGRESSIONAL DELEGATION TO COME TO THE AID OF ALABAMA FARMERS.

WHEREAS, numerous Alabama farmers are faced with serious financial problems, many not of their own making, such as embargoes, crop failures, low prices for crops and high interest rates; and

WHEREAS, many of our farmers find themselves facing huge debts they are unable to retire due to high interest charges, and therefore are being forced to watch their equity swiftly erode; and

WHEREAS, the FmHA was established to help farmers during times of financial need and the agency has indeed helped many Alabama farmers; due to certain regulations, however, and limited funds, the FmHA has not been able to help all those in need; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call upon the members of the Alabama Congressional Delegation to help

those Alabama farmers who are in financial distress by (a) helping to provide for emergency consolidation loans, as low as 3% to 5%, to be made to those farmers who currently are FmHA customers, and (b) by making funds, also at 3% to 5%, available to assist those farmers who heretofore have not needed FmHA assistance, but are now, for the first time, facing debts they are unable to service; under pressure from their creditors, they have turned to FmHA for help but are being refused for various reasons.

BE IT FURTHER RESOLVED, That it is the consensus of this body that if these two policies are initiated, due to payment-in-kind and other economic changes, our Alabama farmers will be able to retire their debts in a timely manner and continue their farming operations; otherwise many hundreds more Alabama farmers will be forced into bankruptcy.

RESOLVED FURTHER, That we hereby most strongly solicit the support of Alabama's Congressional Delegation in helping our farmers secure low cost loans to avoid bankruptcy and to enable them to continue their farming operations.

RESOLVED FURTHER, That the Clerk of the House is directed to forward copies of this resolution to each member of Alabama's Congressional Delegation in Washington, D. C.

Approved June 23, 1983

Time: 4:15 P.M.

Act No. 83-393

H.J.R. 230—Reps. Turner, Clikas, Harper,
Seibels

HOUSE JOINT RESOLUTION

MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO APPROVE ISSUING OF THE NIGHT FIGHTER'S STAMP.

WHEREAS, during the course of the Second World War, if the ingredients of bravery and intelligence combined with a skillful execution of duty, there emerged squadrons of singular and truly compelling distinction; and

WHEREAS, it is the sense of this legislative body to join with that of the sovereign State of California in order to commemorate an air-borne unit of such magnanimous bearing and conduct, those valiant squadrons of the U. S. Army Air Corps, known as "the night-fighters" of World War II; and

WHEREAS, on April twenty-sixth, nineteen hundred eighty-two, upon the occasion of the Fortieth Anniversary of "the night-fighter" squadrons, the Legislature of California, through Assembly Joint Resolution No. 104, did collectively petition the United States Postal Service to issue a suitable commemorative stamp; and

WHEREAS, this legislative body is, in turn, justly proud of its own long and unyielding commitment to the veterans and veteran associations of this great State; and

WHEREAS, the aircraft most representative of "the night-fighter" squadrons of World War II was the P-61 "Black Widow," developed solely by the Northrup Aircraft Corporation of Hawthorne, California; and

WHEREAS, this legislative body is positively and greatly moved to join in the sequential petition with that of the State of California and most emphatically urge that the United States Postal Service issue a commemorative stamp, one bearing a depiction of the P-61 "Black Widow"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama pauses in its deliberations and memorializes the Congress of the United States to initiate legislative action enabling the Postal Service of the United States to issue a commemorative stamp with suitable depiction of the P-61 "Black Widow."

BE IT FURTHER RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Speaker of the House of Representatives and to each Senator from the State of Alabama.

Approved June 23, 1983

Time: 4:15 P.M.

Act No. 83-394

H.J.R. 231—Rep. Gaston

HOUSE JOINT RESOLUTION

COMMENDING DAVID RAYFIELD, JOHN WILL SCHOOL, RECIPIENT OF THE D.A.R. HISTORY AWARD.

WHEREAS, David Rayfield, fifth grade student of John Will School, Mobile, Alabama, and son of Lewis and Pat Rayfield, is recipient of the coveted D.A.R. History Award for outstanding academic achievement and for specific history projects, including the planning and preparation of a Thanksgiving feast, creating 1620 period clothing; and depicting our nation's heritage through the crea-

tion of many objects of art during the year; and

WHEREAS, David Rayfield sets an outstanding example for his peers and is active in many religious, civic, educational and athletic youth activities, including: membership in the Spring Hill Baptist Church, and their children's choirs and Royal Ambassadors organization, and he completed the Alabama State Baptist Bible Drill; class representative to principal's advisory board, school safety patrolman; member of the Boy Scouts of America; and was designated an all-star in the minor baseball municipal league in 1982, and is a 1983 member of Dixie Youth baseball municipal league; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend this energetic and conscientious young man, David Rayfield, who has exhibited such outstanding leadership, scholastic and athletic achievements on the prestigious D.A.R. History Award.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to David Rayfield as a token of our admiration of his outstanding achievements and our wishes to him for much success in his future wholesome endeavors.

Approved June 23, 1983

Time: 4:15 P.M.

Act No. 83-395

H.J.R. 241—Reps. Gaston, Kvalheim, Box

HOUSE JOINT RESOLUTION

COMMENDING MISS LISA CAROL SAVELL OF MOBILE, ALABAMA.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature notes the selection of Miss Lisa Carol Sevell of Mobile, Alabama, as a member of the 1983 Prep All American Girls Sports Team; and

WHEREAS, Miss Savell, who is a graduate of Mobile's Wright School and is the daughter of Mrs. Hilda F. Savell and Mr. John H. Savell, is one of only one hundred high school seniors, nationwide, selected for this signal athletic honor; and

WHEREAS, she further is the recipient of the 1983 Female Athlete of the Year Award, sponsored by the Mobile Coaches Association, and for four consecutive years, was named Mobile County Female Runner of the Year; and

WHEREAS, Miss Savell is the holder of five Class 3A State records—indoor 880, indoor mile, indoor 2 mile, outdoor mile and outdoor 2 mile—and she holds a national record of six consecutive State Cross Country championships; she also was named six times to the All-County Track Team, was State outdoor 880 Champion twice, was named 1982 Most Valuable State Indoor Meet, and is the recipient of the Army Reserve Scholar Athlete Award, the Hertz Number One Award, and the Tom Spain Award in 1981 for Most Outstanding Single Performance in the State Indoor Meet; and

WHEREAS, at Wright School, she was Playday Captain her senior year, Section Editor of the *Wrightorian*, and Editor of *Wrightings*, the school newspaper; and

WHEREAS, Miss Savell was lauded by her Coach, Mrs. Janey Pinnell Miller, who stated: "Her leadership is quietly unassuming, yet the intensity of her purpose and goal is unmistakably contagious for her team, opponents, and even spectators. She is truly a most deserving champion in every sense of the word."; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Miss Lisa Carol Savell of Mobile, Alabama, for extraordinary athletic accomplishment and direct that she receive a copy of this resolution in expression of our sincere praise and regard and our warmest best wishes for every future success.

Approved June 23, 1983

Time: 4:15 P.M.

Act No. 83-396

H.J.R. 243—Reps. Seibels, Holmes

HOUSE JOINT RESOLUTION

PROVIDING FOR THE OBSERVANCE OF FLAG DAY ON JUNE 14, 1983.

WHEREAS, in consensus of belief that the importance of Flag Day mandates an appropriate response by loyal American patriots, the Alabama Legislature both supports and encourages befitting observances throughout the State of Alabama on June 14, 1983; and

WHEREAS, our country's beloved flag was the first signal of the birth of our free and glorious nation and since its colors were first unfurled, it has flown in triumphant symbolism of America's proud and noble heritage; and

WHEREAS, it further is our conviction that we, as elected offi-

cials of the State of Alabama, most particularly are charged with the solemn duty of example; it is a duty, however, that is instead the privilege of every American—that of respectful tribute to our flag and to the cause of freedom it represents throughout the world; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby provide that this body shall assemble on June 14, 1983, to participate in appropriate ceremonies to pay tribute to our nation's flag.

BE IT FURTHER RESOLVED, That it also is the desire of the Alabama Legislature that citizens throughout our state pause in like tribute to our flag and that Old Glory be proudly flown throughout Alabama.

Approved June 23, 1983

Time: 4:15 P.M.

Act No. 83-397

H.J.R. 244—Rep. Drake

HOUSE JOINT RESOLUTION

COMMENDING DOCTOR WILLIAM D. POWELL, JR., OF THE UNIVERSITY OF ALABAMA SCHOOL OF DENTISTRY.

WHEREAS, the Legislature of Alabama, in pleased concurrence, notes the selection of Doctor William D. Powell, Jr., as the recipient of the distinguished H. Moren Fuller Award; and

WHEREAS, this highest honor of the Alumni Association of the University of Alabama School of Dentistry was bestowed upon Doctor Powell in recognition of his outstanding contributions to the profession of dentistry, both as a private practitioner and as a member of the University's faculty; and

WHEREAS, Doctor Powell, a Birmingham native, is a second-generation dentist and is the grandson of a former member of the Alabama Legislature; he is a graduate of Woodlawn High School, attended Howard College and, from 1938 until 1953 was a dental technician; during the period 1949-1953, he also was a student at the University of Alabama School of Dentistry and was a member of the second class to enter the newly established dental school; and

WHEREAS, upon graduation, Doctor Powell immediately joined the faculty on a part-time basis and, in 1967, closed his private practice to become a full-time professor; and

WHEREAS, Doctor Powell's numerous professional affiliations

include the Alabama and the American Dental Associations, the American Academy of Restorative Dentistry, the American Academy of Crown and Bridge Prosthodontics, the International College of Dentists and Omicron Kappa Upsilon National Dental Honor Society; he also serves as a consultant to the U. S. Army at Fort Benning and the Veterans Administration Medical Centers in Birmingham, Tuskegee and Tuscaloosa, and has both lectured and directed clinics throughout Alabama; and

WHEREAS, Doctor Powell is held in highest regard by his peers, former students and patients, and indeed by a grateful citizenry for his contributions to the profession he has served with distinction and dedication, and with a firm commitment to the furtherance of technical ability and ethical conduct in dentistry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express sincere commendation of Doctor William D. Powell, Jr., for outstanding professional achievement and as the recipient of the prestigious H. Moren Fuller Award.

BE IT FURTHER RESOLVED, That in token of our utmost esteem, a copy of this resolution shall be provided for Doctor Powell that he and his family may know of our sincere warm praise and regard.

Approved June 23, 1983

Time: 4:15 P.M.

Act No. 83-398

H.J.R. 245—Rep. Sasser

HOUSE JOINT RESOLUTION

COMMENDING MR. DEWEY P. WILLIAMS OF OZARK, ALABAMA.

WHEREAS, the Alabama Legislature extends heartiest congratulations to Mr. Dewey P. Williams of Ozark, Alabama, the recipient of the National Endowment for the Arts' National Heritage Award; and

WHEREAS, Mr. Williams, a nominee of the Alabama State Council on the Arts and Humanities, is one of only fifteen virtuosos, nationwide, to receive this distinguished designation as an exemplary master folk artist; and

WHEREAS, a native of Dale County, Alabama, Mr. Williams

was born in 1898, and is now 85 years young; at the age of six, he began singing Sacred Harp and is now a master teacher of this traditional style of shape-note singing, performed in unaccompanied four-part harmony with the singing of the notes preceding the lyrics; and

WHEREAS, Sacred Harp, though frequently sung in numerous White communities in the South is rarely found among Blacks with the exception of Southeast Alabama, where Mr. Dewey Williams is credited with its survival; he has trained hundreds of young Blacks, conducting lessons in communities throughout this area, and has further organized the Wiregrass Sacred Harp Singers who have performed at numerous festivals, in Canada as well as in the United States, and appear on their own television and radio programs in Ozark; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Dewey P. Williams of Ozark, Alabama, and express our deep appreciation for the fame and honor he has brought to the entire State of Alabama.

BE IT FURTHER RESOLVED, That in token of our deep pride in his accomplishments and in expression of our warmest regard, a copy of this resolution shall be presented to Mr. Williams, an outstanding Alabamian and renowned artist of national acclaim.

Approved June 23, 1983

Time: 4:15 P.M.

Act No. 83-399

H.J.R. 251—Rep. Gaston

HOUSE JOINT RESOLUTION

HONORING MR. AND MRS. HARVEY WILSON WEBSTER, SR., OF MOBILE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary on June 24, 1983, of Mr. and Mr. Harvey Wilson Webster, Sr., of Mobile, Alabama, and

WHEREAS, Mr. Webster and his lovely bride Miss Ruth Gardiner were united in marriage on June 24, 1933, at the First Baptist Church in Gainesville, Florida, and have remained in said holy state for the past 50 years; and

WHEREAS, they have lived their lives as one and, in devotion

each to the other, have remained steadfastly faithful to their marriage vows, setting an enviable example to others; and

WHEREAS, Mr. and Mrs. Webster are the parents of two children—a son, Harvey Wilson Webster, Jr., and a daughter, Sally Webster Catlin; who, along with other family and friends, will join Mr. and Mrs. Webster at a dinner and reception to be held in their honor on June 25, 1983, in celebration of this joyous occasion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we too join in congratulating this exemplary Mobile County couple, Mr. and Mrs. Harvey Wilson Webster, Sr., and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Webster that they may know of our congratulations and sincere best wishes for every future happiness together.

Approved June 23, 1983

Time: 4:15 P.M.

Act No. 83-400

H.J.R. 252—Rep. Gaston

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. CHARLES JACKSON GRANDE AS 1982-1983 CO-PRESIDENTS OF THE JOHN WILL P.T.A.

WHEREAS, Mr. Charles Jackson Grande and his wife, Mrs. Lynette Smith Grande, of Mobile, Alabama, have recently completed a tenure as co-presidents of the John Will PTA; and

WHEREAS, during Mr. and Mrs. Grande's year of service in PTA leadership, the organization received the state award for outstanding PTA programs during the 1982-1983 school year, as well as the Mobile County Council PTA first-place award for its scrapbook; and

WHEREAS, it is further to be noted that the John Will PTA sponsored, in 1982, a general election political forum for all candidates within the school's attendance zone and, additionally, raised approximately \$16,000 for school use; and

WHEREAS, Mr. and Mrs. Grande, as co-leaders, also played an instrumental role in the PTA's assistance to the school staff in an

effort to gain accreditation by the Southern Association of Colleges and Schools; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Charles Jackson Grande and Mrs. Lynette Smith Grande for outstanding service and accomplishment as co-presidents of the 1982-1983 John Will PTA.

BE IT FURTHER RESOLVED, That Mr. and Mrs. Grande receive a copy of this resolution that they and their children, Kayra Lynne and Charles Randall, may be aware of our sincere warm praise and of our deep appreciation for their dedicated leadership of the John Will PTA.

Approved June 23, 1983

Time: 4:15 P.M.

Act No. 83-401

H.J.R. 253—Rep. Gaston

HOUSE JOINT RESOLUTION

COMMENDING ROYCE RAY, III, OF SHAW HIGH SCHOOL, MOBILE, ALABAMA.

WHEREAS, in a desire to recognize young Alabamians of achievement, the Alabama Legislature today notes the many outstanding athletic and academic accomplishments of Royce Ray, III, of Mobile, Alabama; and

WHEREAS, a recent graduate, Class of 1983, of Shaw High School, Mr. Ray, in tennis rankings, is number one in boy's 18 singles, and is the Alabama High School Athletic Association's Class 4A Number One Singles Champion; and

WHEREAS, not only is he the first to be ranked number one in boy's singles play for two consecutive years, but also is currently ranked number 27 (singles) in the South and number 13 in boy's 18 doubles in the South; and

WHEREAS, further at Shaw High School, Royce Ray was president of the senior class, a member of the National Honor Society, the winner of the Group W Cable-Lou Brock Scholarship Award, and a member of his school's district-winning Scholar Bowl Team; and

WHEREAS, he also was a four-year honor roll student at Shaw and was a selection for First Southern Federal's Senior of the Week; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Royce Ray, III, of Mobile, Alabama, for outstanding athletic and academic achievement, and direct that he receive a copy of this resolution in expression of our sincere admiration and esteem.

Approved June 23, 1983

Time: 4:15 P.M.

Act No. 83-402

S. 115—Senator Holmes

AN ACT

Relating to Calhoun County; amending Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996) which provides for a civil service system for the City of Oxford, so as to increase the number of persons certified to fill vacancies.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12 of Act No. 963, S. 1177, 1975 Regular Session (Acts 1975 p. 1996) is hereby amended to read as follows:

“Section 12. Whenever a vacancy exists in any position in the service of the city, it shall be filled by appointment of one of the six persons who ranks highest on the appropriate eligible register of the board or by transfer within the service of the city from another position of the same class. However, the ranking layoff of the same class shall be appointed in every instance. Whenever it is impossible for the board to certify eligible persons to a vacancy, the board may authorize the appointing authority to fill the vacancy temporarily pending the establishment of an eligible register. No such authorization may be given for longer than one hundred and twenty days, and no such employee shall have status under this act. All appointments, other than temporary appointments, shall be probationary for six months from the date of appointment. A probationary subordinate employee may be discharged by this appointing authority for unsatisfactory service at any time before the expiration of that period if the action is approved by the board; a probationary department head employee may be discharged or demoted similarly by his appointing authority upon approval by the board. After the expiration of the probationary period, an appointment shall become permanent.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved June 23, 1983

Time: 4:15 P.M.

Act No. 83-403

H.J.R. 254—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, June 14, 1983, we adjourn to meet again on Thursday, June 16, 1983.

Approved June 27, 1983

Time: 4:30 P.M.

Act No. 83-404

H.J.R. 283—Rep. Casey

HOUSE JOINT RESOLUTION

INVITING UNITED STATES SENATOR ALAN CRANSTON OF CALIFORNIA TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE

WHEREAS, U. S. Senator Alan Cranston of California is an announced candidate for the Democratic nomination for President of the United States; and

WHEREAS, as a contender for his party's nomination, Senator Cranston is visiting our state, and will address the Young Democrats' 1983 State Issues Convention in Montgomery; and

WHEREAS, the Legislature is indeed pleased to welcome Senator Cranston to Alabama and would further consider it an honor and privilege for him to speak before a joint session of this body; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do herein issue a most cordial invitation to Senator Alan Cranston of the State of California to address this body assembled in joint session at 12 o'clock Noon, June 16, 1983.

BE IT FURTHER RESOLVED, That Senator Cranston be advised, by copy of this resolution, of our request and of our hopeful anticipation of his acceptance.

Approved June 27, 1983

Time: 4:30 P.M.

Act No. 83-405

H.J.R. 286—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, THE SENATE THEREOF CONCURRING, THAT WHEN THE LEGISLATURE ADJOURNS ON THURSDAY, June 16, 1983, we adjourn to meet again on Tuesday, June 21, 1983; and to meet again on Wednesday, June 22, 1983; and to meet again on Thursday, June 23, 1983; and that when the Legislature adjourns on Thursday, June 23, 1983, we adjourn to meet again on Tuesday, June 28, 1983; and to meet again on Wednesday, June 29, 1983; and to meet again on Thursday, June 30, 1983; and that when the Legislature adjourns on Thursday, June 30, 1983, we adjourn to meet again on Monday, July 11, 1983, and to meet again on Tuesday, July 12, 1983; and to meet again on Wednesday, July 13, 1983; and to meet again on Thursday, July 14, 1983; and that when we adjourn on Thursday, July 14, 1983, we adjourn to meet again on Monday, July 25, 1983; and when we adjourn on Monday, July 25, 1983, we adjourn to meet again on Monday, August 1, 1983.

Approved June 27, 1983

Time: 4:30 P.M.

Act No. 83-406

H. 95—Rep. Lauderdale

AN ACT

Relating to Marion County; to provide for expense allowances for the chairman and associate members of the county governing body to be paid from the county treasury; to provide that such expense allowances shall be paid in addition to any other allowance or compensation now provided by law; and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman of the Marion County governing body shall be entitled to receive an expense allowance of \$710.00 per month and the associate members of the Marion County governing body shall be entitled to receive an expense allowance of \$675.00 per month. Said expense allowances shall be paid out of the county road and bridge fund and shall be in addition to any other allowance or compensation now provided by law.

Section 2. The expense allowances provided for herein shall be retroactive to January 17, 1983.

This Act became a law under Section 125 of the Constitution on June 29, 1983 without approval by the Governor.

Act No. 83-407

H. 304—Rep. Newman

AN ACT

Relating to Fayette County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the next term of office of any of said members; to regulate further the expense allowance of the members of the Fayette County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Fayette County Commission shall devote their full time to the business of said commission, effective upon the next term of office of any of said members.

Section 2. The members of the Fayette County Commission shall receive an additional expense allowance of \$3,200.00 annually to be paid in equal monthly installments out of any funds of the county as may be available for such purposes. Such expense allowance shall be in addition to any and all other salary, compensation and expense allowance now provided by law for the members of the Fayette County Commission, and shall be paid retroactively from January 1, 1983. The expense allowance herein provided shall terminate automatically upon the next term of office.

Section 3. Effective with the next term of office, the members of the county commission by law shall each receive a total annual salary of \$20,000.00, which shall constitute the total compensation for such members, in lieu of all compensation, expense allowances or other compensation therefor provided by law.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of law which conflict with this act are hereby repealed.

Section 6. The provisions of this act shall become effective retroactively to January 1, 1983.

This Act became a law under Section 125 of the Constitution on June 29, 1983 without approval by the Governor.

Act No. 83-408

H. 128—Reps. Holmes, Holley, Owens, Case, Johnson (Roy), Campbell, Flowers, Kennedy, Poole, Langford, Layton, Sasser, Moore, Reed, Bryant, Cosby

AN ACT

To authorize and make provision for the incorporation of the Alabama Shakespeare Festival Theatre Finance Authority; to provide for the directors of the authority; to provide for the powers, authorities and duties of the authority and its board of directors; to authorize the authority to acquire, enlarge, improve, expand, replace, own, operate, lease and dispose of properties to the end that the authority may be able to promote public interest in and aid in the development of The Alabama Shakespeare Festival, Inc., a not-for-profit corporation created under the laws of Alabama, and to provide certain facilities for use by said not-for-profit corporation; to authorize the authority to lease to others any or all of the property of the authority and to charge and collect rent therefor; to authorize the authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the authority to procure various types of insurance and guarantees; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable solely out of the revenues and receipts derived from the leasing or sale of any properties of the authority; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the authority; to provide for the refunding, by the issuance of such securities of the authority, of securities theretofore issued or obligations theretofore assumed by it; to provide for the employment by the authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the authority; to authorize the authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance by the authority of any of its properties; to exempt the property and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision of the state, and to exempt the authority from payment of certain charges to judges of probate; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the directors, officers and employees of the authority from the Alabama Ethics Law and the rules and promulgations by the Alabama Ethics Commission; to exempt the authority from competitive bid laws; and to provide for the dissolution of the authority and the disposition of its property.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of purpose and legislative findings. The legislature has found and determined and does hereby declare that it is necessary, desirable and in the best interest of the citizens

of this state that provision be made for the establishment of a public corporation to acquire, enlarge, improve, expand, replace, own, operate, lease and dispose of properties to the end that such corporation may be able to promote public interest in, and aid in the development of, The Alabama Shakespeare Festival, Inc., a not-for-profit corporation created under the laws of Alabama, and to provide certain facilities for use by said not-for-profit corporation and to vest such public corporation with all powers, rights and privileges that may be necessary to enable it to accomplish such purposes.

Section 2. Definitions. The following words and phrases used in this chapter, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

(1) Authority. The public corporation organized pursuant to the provisions of this chapter.

(2) Board. The board of directors of the authority.

(3) Bonds. Bonds, notes, certificates, bond anticipation notes, grant anticipation notes or revenue anticipation notes or any other evidence of indebtedness representing an obligation to pay money.

(4) Director. A member of the board of the authority.

(5) Person. Unless limited to a natural person by the context in which it is used, a person, corporation, association, partnership or cooperative.

(6) Project. Land, any building or other improvement thereon or thereto, and any personal properties, whether or not now in existence, deemed necessary or suitable for use incident to or in connection with any theatrical or educational undertakings of the not-for-profit corporation known as The Alabama Shakespeare Festival, Inc.

(7) State. The state of Alabama.

Section 3. Incorporation of authority; procedure. (a) The governor, the state treasurer and the director of finance may incorporate and organize a public corporation, with the power and authority hereinafter provided, by proceeding according to the provisions of this chapter. To organize such a corporation, the governor, the state treasurer and the director of finance shall present to the secretary of state of Alabama an application signed by them which shall set forth:

(1) the name and official designation of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) the date on which each applicant was inducted into office

and the term of office of each of the applicants;

(3) the name of the proposed corporation, which shall be "Alabama Shakespeare Festival Theatre finance authority";

(4) the location of the principal office of the proposed corporation, which shall be in the state;

(5) the period of duration of the proposed corporation (if the duration is to be perpetual, subject to the provisions of section 14 hereof that fact shall be stated); and

(6) any other matter relating to the incorporation of the proposed corporation that the applicants may choose to insert and that is not inconsistent with this chapter or the laws of the state.

(b) The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state to take acknowledgments to deeds.

(c) The secretary of state shall examine the application; and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

(d) When the application has been made, filed and recorded as herein provided, the secretary of state shall make and issue to the applicants a certificate of incorporation pursuant to this act under the great seal of the state, and shall record the certificate with the application. There shall be no fees paid to the secretary of state for any work done in connection with the incorporation or dissolution of the authority.

Section 4. Board of Directors; members; terms, vacancies; qualifications; expenses; quorum; impeachment; copies of proceedings as evidence. (a) The authority shall be governed by a board of directors, and all powers of the authority shall be exercised by the board or pursuant to its authorization.

(b) The board shall consist of five directors. The chancellor of The University of Alabama and the president of Auburn University shall be ex officio members of the board. The remaining three directors shall be appointed by the governor in the manner hereinafter prescribed, as soon as may be practicable after the incorporation of the authority, for staggered terms as follows: the governor shall appoint two directors each of whose initial terms shall begin immediately upon his respective appointment and shall end on September 30 in the fifth calendar year next following the calendar year in which the certificate of incorporation of the authority was issued; and the governor shall appoint the remaining director whose initial term shall begin immediately upon his appointment and shall end

on September 30 in the tenth calendar year next following the calendar year in which the certificate of incorporation of the authority was issued. Thereafter, the term of office of each appointed director shall be ten years, commencing on the October 1 next following the September 30 on which the term of the immediate predecessor director ended. If at any time there should be a vacancy on the board not heretofore provided for, a successor director shall be appointed by the governor to serve for the unexpired term applicable to such vacancy. If the term of office of any appointed director shall expire prior to the reappointment of such director or prior to the appointment of his successor, such director shall continue to serve until his successor is appointed and qualified, and if such director is reappointed for a new term after the expiration of the immediately preceding term which he has been serving, his new term of office shall be deemed to have commenced on the October 1 next following the expiration of such immediately preceding term. Directors shall be eligible for reappointment.

(c) Each appointed director shall, at the time of his appointment and at all times during his term of office, be a qualified elector of the state; and a failure by any appointed director to remain so qualified during such term shall cause a vacancy of the office of such director. No officer or employee of the state or of any county, city or town therein shall be eligible for appointment as a director. The acceptance by an appointed director of any office or employment which, had such director held such office or been so employed at the time of his appointment as a director, would have rendered him ineligible for appointment as a director, shall cause a vacancy of the office of such director. Each director shall serve without compensation, except that he may be reimbursed for expenses actually incurred by him in and about the performance of his duties.

(d) A majority of the directors in office shall constitute a quorum for the transaction of business. No vacancy in the membership of the board or the voluntary disqualification or abstention of any member thereof shall impair the right of a quorum of the board to exercise all the powers and duties of the authority. All proceedings of the board shall be reduced to writing by the secretary of the authority and maintained in the permanent records of the authority. Copies of such proceedings, when certified by the secretary of the authority under the seal of the authority, shall be received in all courts as evidence of the matters therein certified.

Section 5. Officers of the authority. The officers of the authority shall consist of a chairman, vice chairman, secretary, treasurer and such other officers as the board shall deem necessary or appropriate. The chairman and the vice chairman shall be elected by the board from the membership thereof, and the secretary, the

treasurer and any other officers of the authority may, but need not, be members of the board and shall also be elected by the board. The offices of secretary and treasurer may, but need not, be held by the same person.

Section 6. Powers of authority; open meetings. (a) The authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) To have succession by its corporate name for the duration of time (which may be perpetuity, subject to the provisions of section 14) specified in its certificate of incorporation;

(2) To sue and be sued in its own name in civil suits and actions, and to defend suits against it;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To adopt, alter and repeal by-laws, not inconsistent with the provisions of this chapter, for the regulation and conduct of its affairs and business;

(5) To acquire, whether by purchase, construction, exchange, gift, lease or otherwise and to improve, maintain, equip and furnish one or more projects, including all real and personal properties which the board may deem necessary in connection therewith, regardless of whether or not any such projects shall then be in existence;

(6) To lease to others any or all of its projects and to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof;

(7) To receive and accept, from any source, aid or contributions of money, property, labor or other items of value for furtherance of any of its purposes, subject to any conditions not inconsistent herewith or with the laws of this state pertaining to such contributions, including, but without limitation to, gifts or grants from any department, agency or instrumentality of the United States of America;

(8) To procure such insurance and guarantees as the board may deem advisable, including, but without limitation to, insurance or guarantees against any loss in connection with any of its property or assets and for payment of any bonds or other obligations issued by the authority, in such amounts and from such public or private entities, as it may deem advisable, and to pay premiums or other charges for any such insurance or guarantees;

(9) To borrow money and to sell and issue its bonds for any

corporate function, use or purpose authorized herein;

(10) To mortgage, pledge, assign or grant security interests in any or all of its projects or any part or parts thereof, as security for the payment of the principal of and interest on any bonds issued by the authority, or as security for any agreements made in connection therewith, whether then owned or thereafter acquired, and to pledge the revenues from which said bonds are payable as security for the payment of the principal of and interest on said bonds and any agreements made in connection therewith;

(11) To appoint, employ, contract with, and provide for the compensation of, such officers, employees and agents, including, but without limitation to, engineers, architects, construction contractors, attorneys, management consultants, and fiscal advisers, as the business of the authority may require; provided, however, that no director or member of his or her firm, business, partnership or corporation shall be employed or compensated by the authority;

(12) To invest any funds of the authority that the board may determine are not presently needed for any of its corporate purposes in obligations of the United States of America and interest-bearing bank and savings and loan association deposits and in any investments eligible under then applicable law for the investment of trust funds by fiduciaries, or any thereof;

(13) To enter into a management agreement or agreements with any person for the management by said person for the authority of any of its properties upon such terms and conditions as may be mutually agreeable;

(14) To sell, exchange, donate and convey any or all of its properties whenever its board shall find any such action to be in furtherance of the purposes for which the authority was organized; and

(15) To make, enter into, and execute such contracts, agreements, leases and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the authority was organized or to exercise any power expressly granted hereunder.

(b) All meetings of the board of the authority for any purpose shall be open to the public.

Section 7. Bonds of the authority.

(a) Source of payment. All bonds issued by the authority shall be payable solely out of the revenues and other receipts of the authority as may be designated in the proceedings of the board under which the bonds shall be authorized to be issued.

(b) Pledge of revenues and other security. The principal of and interest on any bonds issued by the authority shall be secured by a pledge of the revenues and other receipts out of which the same may be payable and may be secured by a trust indenture evidencing such pledge or by a foreclosable mortgage and deed of trust conveying as security for such bonds all or any part of the property of the authority from which the revenues so pledged may be derived. The resolution under which the bonds are authorized to be issued or any such trust indenture or mortgage may contain any agreements and provisions respecting the maintenance and insurance of the property covered by such trust indenture or mortgage, the use of the revenues subject to such trust indenture or mortgage, the creation and maintenance of special funds from such revenues, the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made and the rights and remedies available in the event of default as the board shall deem advisable and which are not in conflict with the provisions of this chapter.

(c) Execution. All bonds issued by the authority shall be signed by its chairman or vice chairman and attested by its secretary, and the seal of the authority shall be affixed thereto, and any interest coupons applicable to the bonds of the authority shall be signed by its chairman or vice chairman; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, a facsimile of the seal of the authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the signature of its chairman or vice chairman may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same.

(d) General provisions respecting form, interest rate, maturities, sale and negotiability of bonds. Any such bonds may be executed and delivered by the authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions permitting or restricting redemption of such bonds prior to their maturities, shall contain such provisions not inconsistent with the provisions of this chapter, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its board. Bonds of the authority may be sold at either public or private sale in such manner and at such price or prices and at such times as determined by the board of directors to be advantageous. The authority may pay all expenses, premiums and commissions which the board may deem necessary or advantageous in connection with any

financing done by it. Whether or not any bonds of the authority, and any interest coupons appertaining thereto, are of such form and character as to be negotiable instruments under the terms of Title 7 of the Code of Alabama of 1975, as amended, all bonds, except bonds registered as to principal or as to both principal and interest, and any interest coupons applicable thereto issued by the authority shall be construed to be negotiable instruments although payable solely from a specified source.

(e) Nature of obligation and source of payment. All obligations created and all bonds issued by the authority shall be solely and exclusively an obligation of the authority and shall not create an obligation or debt of the state or a charge on its credit or taxing powers. Any bonds issued by the authority shall be limited or special obligations of the authority payable solely out of the revenues and other receipts of the authority specified in the proceedings authorizing those bonds.

Section 8. Proceeds from sale of bonds. All moneys derived from the sale of any bonds issued by the authority shall be used solely for the purpose or purposes for which the same are authorized, including, but without limitation to, the establishment of reserve funds as security for the payment of the principal of (and premium, if any) and interest on the bonds, and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to (i) the fiscal, consulting, legal and other expenses incurred in connection with the issuance of the bonds, (ii) in the case of bonds issued to pay costs of construction, interest on such bonds prior to and during such construction and for not exceeding one year after completion of such construction, and (iii) except in the case of refunding bonds, interest to accrue on such bonds for a period ending not later than two years from their date.

Section 9. Refunding bonds. Any bonds issued by the authority may from time to time be refunded by the issuance, by sale or exchange, of refunding bonds payable from the same or different sources for the purpose of paying all or any part of the principal of the bonds to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such bonds that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the bonds to be refunded, any interest to accrue on each bond to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with such refunding; provided, that unless duly called for redemption pursuant to provisions contained therein, the holders of any such bonds then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding bonds for such

refunding. Any refunding bonds may be sold by the authority at public or private sale at such price or prices as may be determined by its board to be most advantageous, or may be exchanged for the bonds or other obligations to be refunded. Any refunding bonds issued by the authority shall be issued and may be secured in accordance with the provisions of section 7.

Section 10. Exemption from taxation. The property and income of the authority, all bonds issued by the authority, the income from such bonds, conveyances by or to the authority, and leases, mortgages and deeds of trust or trust indentures by or to the authority shall be exempt from all taxation in the state of Alabama. The authority shall be exempt from all taxes levied by any county, incorporated city or town, or other political subdivision of the state, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which the authority may engage. The authority shall not be obligated to pay or allow any fees, taxes or costs to the judge of probate of any county of this state in respect of its incorporation or the recording of any document.

Section 11. Exemption from usury and interest laws. The authority shall be exempt from the laws of the state of Alabama governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title 8 of the Code of Alabama of 1975, as amended.

Section 12. Freedom of authority from state supervision and control; inapplicability of code of ethics. (a) This chapter is intended to aid the state through the furtherance of the purposes of the chapter by providing an appropriate and independent instrumentality of the state with full and adequate powers to fulfill its functions. Except as expressly provided in this chapter, no proceeding, notice or approval shall be required for the incorporation of the authority, the issuance of any bonds, the execution of any mortgage and deed of trust or trust indenture, or the exercise of any other of its powers by the authority. Neither a public hearing nor the consent of the state department of finance shall be prerequisite to the issuance of bonds by the authority.

(b) The directors, the officers and employees of the authority shall not be subject to the provisions of chapter 25 of Title 36 of the Code of Alabama, as amended, or to the rules and promulgations by the Alabama ethics commission.

Section 13. Exemption from competitive bid laws. All contracts made by the authority shall be exempt from the laws of the state now or hereafter in effect that require competitive bids, including, but without limitation to, the provisions of Article 3 of Chapter

16 of Title 41 of the Code of Alabama, as amended.

Section 14. Dissolution of authority and vesting of title to its property. At any time when the authority has no bonds or other obligations outstanding, its board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the authority shall be dissolved. Upon filing for record of a certified copy of the said resolution in the office of the secretary of state, the authority shall thereupon stand dissolved and in the event it owned any property at the time of its dissolution, the title to all its properties shall thereupon pass to and vest in The Board of Trustees of the University of Alabama.

Section 15. Act cumulative. The provisions of this act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this act.

Section 16. Liberal construction of act. This act being remedial in nature, the provisions of this act shall be liberally construed to effect its purpose.

Section 17. Severability. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 18. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1983

Time: 4:30 P.M.

Act No. 83-409

S.J.R.124—Senator Dixon

SENATE JOINT RESOLUTION

EXPRESSING APPRECIATION FOR THE SERVICE OF
CLYDE P. MCLENDON TO THE STATE OF ALABAMA AND
EXTENDING SYMPATHY TO HIS FAMILY.

WHEREAS, Clyde P. McLendon served this state and its people for almost 15 years as an attorney for the Department of Pensions and Security and an assistant attorney general; and

WHEREAS, his contributions to the legal profession left a lasting and positive impact on services to the citizens of Alabama, especially services for children, the elderly and the disabled; and

WHEREAS, he will long be remembered and respected for his

dedication to his work and for the outstanding example he set for all state employees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that sympathy be extended to the family of Clyde P. McLendon, who died in his home town of Montgomery on May 18, 1983; and

BE IT FURTHER RESOLVED that the Legislature express to his family its deep appreciation for his many years of devoted service to the people of Alabama.

Approved June 6, 1983

Time: 4:30 P.M.

Act No. 83-410

S.J.R. 140—Senator Little

SENATE JOINT RESOLUTION

MEMORIALIZING THE PRESIDENT AND THE U.S. CONGRESS TO CALL UPON ALL CITIZENS TO RENEW THEIR ALLEGIANCE TO THIS COUNTRY.

WHEREAS, the Legislature of Alabama takes great pride in noting that we will soon be celebrating the 200th anniversary of the Constitution of the United States; and

WHEREAS, Our Constitution is predicated on a set of values based upon the worth, the dignity, the responsibility and the sovereignty of men and women; and

WHEREAS, What more fitting center piece for the 200th Anniversary celebration of this Constitution than the gift of renewing and reviving our commitment to the values for which this country stands; and

WHEREAS, The renewing and reviving of our commitment to these basic values is the greatest gift that every citizen of the United States can give in this celebration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most respectfully request that as the President and Congress of the United States make plans for this historic celebration they put at the center of the celebration a call to all people to renew and revive their allegiance to the values for which this country stands, and direct that a copy of this resolution be sent to the President and each member of the Alabama Congressional delegation.

Approved June 27, 1983

Time: 4:30 P.M.

Act No. 83-411

S.J.R. 148—Senator Teague

SENATE JOINT RESOLUTION

NAMING THE ONE-STORY BRICK BUILDING LOCATED ON TERRY STREET AT THE ALABAMA INSTITUTE FOR DEAF AND BLIND, AND HOUSING THE PRESCHOOL CHILDREN OF THE ALABAMA SCHOOL FOR THE DEAF, THE "ROBERT WEAVER COTTAGE."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in accordance with the desires of the Board of Trustees of the Alabama Institute for Deaf and Blind, and in recognition of Mr. Robert Weaver's outstanding contributions to the Institute, we hereby name and designate the one-story brick building located on Terry Street at the Alabama Institute for Deaf and Blind, and housing the preschool children of the Alabama School for the Deaf, the "Robert Weaver Cottage."

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Alabama Institute for Deaf and Blind and to Mr. Robert Weaver, evidencing this honorary designation of the Alabama Legislature.

Approved June 27, 1983

Time: 4:30 P.M.

Act No. 83-412

S.J.R. 149—Senator Teague

SENATE JOINT RESOLUTION

NAMING THE MANNING HALL ANNEX AT THE ALABAMA INSTITUTE FOR DEAF AND BLIND THE "HARRY L. BAYNES HALL."

WHEREAS, on May 22, 1974, the Board of Trustees of the Alabama Institute for Deaf and Blind approved the naming of the library on the campus of the Alabama School for the Deaf for Mr. Harry L. Baynes; and

WHEREAS, on August 23, 1976, Act No. 497 was approved by the Legislature of Alabama so naming said structure; and

WHEREAS, the Harry L. Baynes Library is being relocated to the Manning Hall Annex; and

WHEREAS, the Manning Hall Annex also houses several vocational programs in which Mr. Baynes has maintained a keen interest; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That effective October 4, 1983, the Manning Hall Annex be designated as "Harry L. Baynes Hall."

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Mr. Baynes and to the Alabama Institute for Deaf and Blind, evidencing this honorary designation of the Alabama Legislature.

Approved June 27, 1983

Time: 4:30 P.M.

Act No. 83-413

S.J.R. 150—Senator Amari

SENATE JOINT RESOLUTION

COMMENDING ROYAL AIR FORCE COLTISHALL,
UNITED KINGDOM, ENGLAND.

WHEREAS, the State of Alabama has maintained one of the largest National Guard forces in the United States of America in the belief that a strong national defense is imperative to world peace; and

WHEREAS, the 117th Tactical Reconnaissance Wing has been an integral part of that force for over sixty years; and

WHEREAS, during the period 23 June 1983 through 7 July 1983, Royal Air Force Coltishall UK, England, hosted this unit during Exercise Coronet Joust; and

WHEREAS, Royal Air Force Coltishall provided superb operational and logistical support, extended the hospitality in the tradition of a great people, and contributed significantly to a most successful tactical exercise; and

WHEREAS, the officers and enlisted personnel of Royal Air Force Coltishall, No. 6 Squadron, No. 41 Squadron, No. 54 Squadron and the entire Station welcomed the members of the 117th Tactical Reconnaissance Wing with hands across the sea; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and extend our appreciation and gratitude to Royal Air Force Coltishall UK, England, for its outstanding support and contributions to our combined and dedicated efforts to preserve world peace and to demonstrate the capability of the United States and Allied Air Force Units together in support of NATO alliance.

BE IT FURTHER RESOLVED, That in token of our highest regard and in expression of appreciation for hospitality extended, a copy of this resolution shall be provided Royal Air Force Coltishall, UK, England.

Approved June 27, 1983

Time: 4:30 P.M.

Act No. 83-414

S.J.R. 154—Senator Covington

SENATE JOINT RESOLUTION

COMMENDING MR. DEWEY P. WILLIAMS OF OZARK, ALABAMA.

WHEREAS, the Alabama Legislature extends heartiest congratulations to Mr. Dewey P. Williams of Ozark, Alabama, the recipient of the National Endowment for the Arts' National Heritage Award; and

WHEREAS, Mr. Williams, a nominee of the Alabama State Council on the Arts and Humanities, is one of only fifteen virtuosos, nationwide, to receive this distinguished designation as an exemplary master folk artist; and

WHEREAS, a native of Dale County, Alabama, Mr. Williams was born in 1898, and is now 85 years young; at the age of six, he began singing Sacred Harp and is now a master teacher of this traditional style of shape-note singing, performed in unaccompanied four-part harmony with the singing of the notes preceding the lyrics; and

WHEREAS, Sacred Harp, though frequently sung in numerous White communities in the South is rarely found among Blacks with the exception of Southeast Alabama, where Mr. Dewey Williams is credited with its survival; he has trained hundreds of young Blacks, conducting lessons in communities throughout this area, and has further organized the Wiregrass Sacred Harp Singers who have performed at numerous festivals, in Canada as well as in the United States, and appear on their own television and radio programs in

Ozark; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Dewey P. Williams of Ozark, Alabama, and express our deep appreciation for the fame and honor he has brought to the entire State of Alabama.

BE IT FURTHER RESOLVED, That in token of our deep pride in his accomplishments and in expression of our warmest regard, a copy of this resolution shall be presented to Mr. Williams, an outstanding Alabamian and renowned artist of national acclaim.

Approved June 27, 1983

Time: 4:30 P.M.

Act No. 83-415

S.J.R. 157—Senators Pearson, Amari,
Hilliard, Parsons,
Bishop, Cabaniss and
Bachus

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF DR. JERRY D. YOUNG OF BIRMINGHAM, ALABAMA.

WHEREAS, grievously noted is the untimely death of Dr. Jerry D. Young of Birmingham, Alabama, on May 19, 1983, at the age of 50 years; and

WHEREAS, Dr. Young, an Indiana native, was a magna cum laude graduate of Indiana State University with a doctorate in business administration from Washington University in Saint Louis, Missouri; and

WHEREAS, following four years' service in the United States Air Force, Dr. Young joined Indiana State University in 1958 as assistant director of placement and accepted a position in 1959 as assistant dean of the Graduate School of Business of Washington University; from 1964 to 1971 he served first as director of the School of Business Administration then as dean of the College of Business at Rochester Institute of Technology; and

WHEREAS, he became associated in 1971 with the University of Alabama-Birmingham, as the first dean of UAB's School of Business and was named vice president of finance in 1974; he became senior vice president of finance in 1982; and

WHEREAS, as one of the founders of the University of Ala-

bama-Birmingham basketball program, Dr. Young also was instrumental in bringing Coach Gene Bartow to Birmingham to become the University's first basketball coach and athletic director; and

WHEREAS, he further was involved in numerous of the civic and community affairs of Birmingham as a member of the board of directors of the Greater Birmingham Area Chamber of Commerce, the Birmingham Summerfest Program and the Birmingham Trade Mart; he was treasurer of the Birmingham Chamber of Commerce from 1978 until 1982, director of the Metropolitan Development Board from 1974 to 1977, a division chairman of the United Way in 1975 and 1982, and chairman of the Council for Higher Education in Business from 1972 to 1974; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Dr. Jerry D. Young of Birmingham, Alabama, and extend our very deepest sympathy to his wife, Mrs. Joan Young, to his three children and to other family members whose sorrow we deeply share and to whom copies of this resolution shall be sent.

Approved June 27, 1983

Time: 4:30 P.M.

Act No. 83-416

S.J.R. 174—Senators deGraffenried, Robertson, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Smith (B), Smith (J) and Teague

SENATE JOINT RESOLUTION

COMMENDING MR. J. RUFUS BEALLE FOR OUTSTAND-

ING SERVICE TO THE UNIVERSITY OF ALABAMA.

WHEREAS, the Alabama Legislature notes with regret the impending retirement on June 30, 1983, of Mr. J. Rufus Bealle as Secretary to the Board and General Counsel of the University of Alabama System; and

WHEREAS, Mr. Bealle's dedicated and supportive association with the University dates from April 1, 1953, and his appointment as Attorney, Land Commissioner and Secretary to the Board of Trustees; his retirement will therefore bring to a close a tenure of more than thirty years of faithful and loyal service, and one which is distinguished in dedication and in accomplishment; and

WHEREAS, Mr. Bealle came to the University following eleven years in the private practice of law, a profession to which he remains in close bond and in service through the years which includes such offices as Chairman of the Junior Bar Section of the State Bar and as a former member of the Board of Directors and Treasurer of the University of Alabama Law School Foundation; and

WHEREAS, Mr. Bealle's great value to the University and the Board is evidenced by his increasingly responsible duties, through promotion, to Executive Secretary and General Counsel of the University of Alabama System in 1969; to Vice President, General Counsel, and Secretary to the Board in 1974; and in 1977, to his current and retirement positions; and

WHEREAS, Mr. Bealle, who is a graduate of the University of Alabama in 1940, with an A.B. Degree, and a J.D. Degree awarded in 1942, has indeed well served his Alma Mater; his loyalty and dedication have been exemplary, and his commitment unshakeable to the advancement, growth and well-being of the entire University System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly praise and commend Mr. J. Rufus Bealle for outstanding service to the University of Alabama.

BE IT FURTHER RESOLVED, That in appreciation of his service and in token of our utmost regard, a copy of this resolution shall be presented to Mr. J. Rufus Bealle, a distinguished jurist and one of our state's most outstanding citizens.

Approved June 27, 1983

Time: 4:30 P.M.

Act No. 83-417

S.J.R. 176—Senators Barron, Aldridge, Amari, Bachus, Bailey, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J), and Teague

SENATE JOINT RESOLUTION

NAMING THE NEW TENNESSEE RIVER BRIDGE ON ALABAMA HIGHWAY 35, THE "ROBERT E. 'BOB' JONES BRIDGE."

WHEREAS, former Congressman Robert E. "Bob" Jones of Alabama's Eighth Congressional District, served in the United States Congress from 1947 to 1977; and

WHEREAS, this distinguished 30-year tenure which spanned the administration of six U. S. presidents was the longest ever served by any United States Congressman from Alabama; and

WHEREAS, upon retirement Congressman Jones returned to Alabama and his beloved native Jackson County and has continued in service to the people of the Tennessee Valley area and his former constituents; and

WHEREAS, in tribute to his many years of dedicated service in Congress and in appreciation for his countless contributions to Alabama and, most particularly, to the Eighth Congressional District, it is entirely fitting and proper that Congressman Bob Jones be appropriately recognized by the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the new Tennessee River Bridge on Alabama Highway 35, the "Robert E. 'Bob' Jones Bridge" in honor of this distinguished Alabamian of great accomplishments.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Congressman Jones that he may know of the appre-

ciation and esteem we express through this honorary designation.

Approved June 27, 1983

Time: 4:30 P.M.

Act No. 83-418

S.J.R. 177—Senator Bailey

SENATE JOINT RESOLUTION

COMMENDING MR. RED HOLLAND FOR HIS CONTRIBUTIONS TO THE PROMOTION OF WILDLIFE AND CONSERVATION IN ALABAMA.

WHEREAS, Mr. Red Holland of Webb, Alabama, has long been active in the promotion of wildlife and conservation in the State of Alabama; and

WHEREAS, Mr. Holland's vigorous involvement in these areas include his hunting and fishing television program, "Good Morning Tri-States," which has been telecast five days a week for the past seven years, and a weekly program, "Outdoors with Red," aired for the past five years; and

WHEREAS, among other activities are Mr. Holland's work with the Boy Scouts in holding area classes on safety and conservation, and his fishing classes for children which he has conducted for four years at Dothan Landmark Park; he further has spoken to numerous civic organizations on safety laws and conservation; and

WHEREAS, Mr. Holland, who is one of only 18 Alabamians to hold membership in the Outdoor Press Association, is the recipient of a Niceville, Florida, Citizenship Award in recognition of his work with the city's Mullet Festival; and

WHEREAS, he also is an Honorary Member of the Ranchers of Alabama's Boys and Girls Ranch and has received a Public Service Award for his coverage of the Destin Fishing Rodeo; and

WHEREAS, Mr. Holland, who has served on the Webb Town Council, was instrumental in the establishment of a recreation park for Webb; he also is a Baptist and is active in the affairs of the Webb Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most warmly praise and commend Mr. Red Holland of Webb, Alabama, for outstanding service in the areas of wildlife and conservation, and direct that he receive a copy of this resolution in expression of our sincere and highest regard, and that a copy also be sent to the Ala-

bama Wildlife Federation.

Approved June 27, 1983

Time: 4:30 P.M.

Act No. 83-419

S.J.R. 178—Senators Robertson and
deGraffenried

SENATE JOINT RESOLUTION

NAMING THE GYMNASIUM AT TUSCALOOSA COUNTY HIGH SCHOOL, THE "COACH MAC MCKINZEY GYMNASIUM."

WHEREAS, widely and affectionately known as "Coach Mac," Mr. Adrian McKinzey dedicated four decades of his life to coaching with his entire 40-year career spent at Tuscaloosa County High School; and

WHEREAS, among many highlights for Tuscaloosa County High and for Coach Mac, was the 1946 undefeated season and the Wildcats' 1960 State Basketball Championship; and

WHEREAS, Coach Mac, a native of Calhoun County, graduated from Howard College in Birmingham and began his coaching career in 1936 in Northport, eventually to tally some 90 football wins and 472 in basketball; and

WHEREAS, in appreciation for Coach Mac's meritorious service to the athletic program of Tuscaloosa County High School and in acknowledgment and witness of the affection, respect and esteem in which he is held, it is entirely fitting and proper that he be further appropriately honored for significant contributions to Tuscaloosa County High School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tuscaloosa County High School Gymnasium is hereby named and designated as the "Coach Mac McKinzey Gymnasium."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said building and that copies be sent to Tuscaloosa County High School and to Coach McKinzey, in evidencing this honorary designation of the Alabama Legislature.

Approved June 27, 1983

Time: 4:30 P.M.

Act No. 83-420

H.J.R. 144—Rep. Langford

HOUSE JOINT RESOLUTION**CONDEMNING THE IRANIAN PERSECUTION OF MEMBERS OF THE BAHAI RELIGIOUS FAITH.**

WHEREAS, the Baha'i faith is an established religious body, with Iran its country of origin, dating from the middle 1800's; and

WHEREAS, worldwide, there are some five million followers of the Baha'i faith, of whom 100,000 or more live in the United States, including hundreds in our own State of Alabama; and

WHEREAS, in Iran, however, the birthplace of Baha'ism, the Baha'i faithful have been subjected to blatant harassment and persecution, a practice of such widespread magnitude and frequency as to clearly reflect the obvious intent of the Iranian government to totally destroy the Baha'i community in that country; and

WHEREAS, during the past several years, literally scores of Baha'is have been executed and many hundreds more imprisoned; there have been untold instances of torture and, by comparison, such relatively minor acts of harassment as the seizure of bank funds and destruction of personal property within the Baha'i community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we unanimously and vehemently condemn the persecution of and atrocities committed against the Baha'i community in Iran; we further call upon the Iranian government to take immediate action to bring an end to the brutal executions of innocent human beings whose right to worship must be recognized and upheld. .

Approved June 27, 1983

Time: 4:30 P.M.

Act No. 83-421

H.J.R. 290—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

TO ESTABLISH A JOINT LEGISLATIVE COMMITTEE TO OVERSEE A SPECIAL AUDIT OF THE TEACHERS' RETIREMENT SYSTEM AND EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA.

WHEREAS, the legislature is receiving very disturbing rumors about the nature of some of the investments being made by the Retirement Systems of Alabama; and

WHEREAS, the legislature feels that it would be in the best interest of both of the Retirement Systems of this state that a completely independent in depth audit be made of the affairs of the Retirement Systems; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to oversee an audit of the Teachers' Retirement System and the State Employees' Retirement System of Alabama. Said committee shall be composed of four members who shall be appointed from the Legislature. The Speaker of the House shall appoint two members and the Lieutenant Governor shall appoint two members from the House and Senate respectively.

The members of the committee shall serve without pay or compensation.

The committee shall meet as soon after their appointment as practical and choose one of their members as chairman and another as vice chairman and shall proceed to choose a reputable and independent accounting firm doing business in the State of Alabama to conduct a thorough and complete audit of the affairs and business of the Teachers' Retirement System of Alabama and the State Employees' Retirement System of Alabama.

The fees and expenses of said accounting firm in the conduct of said audits shall be paid out of any funds appropriated to the use of the legislature upon the direction of the committee. Copies of the audit and any reports connected therewith shall be filed with the committee, the Speaker of the House and the Lieutenant Governor as soon as practical.

Approved June 27, 1983

Time: 4:30 P.M.

NAMING THE CHAMPIONSHIP ATHLETIC FIELD AT MUNNY SOKOL PARK IN TUSCALOOSA, ALABAMA, THE "DANNY C. MORRISON FIELD."

WHEREAS, though a native of Spartanburg, South Carolina, the late Danny C. Morrison was a resident of Tuscaloosa, Alabama, from early childhood until his tragic and untimely death on April 5, 1981, at the age of 32 years; and

WHEREAS, Danny Morrison's love of sports began early in life and lasted until his death; his participation in athletics began as a bat boy, a year prior to his eligibility as a little league player, and continued through the little and pony league age groups; and

WHEREAS, in basketball, he attained All-Star status in the YMCA program, was a member of the Eastwood Junior High School B and Varsity teams, and played B team and Varsity basketball at Tuscaloosa High School; and

WHEREAS, as a student and later graduate of the University of Alabama, his interest in sports continued, both in participation and through support of the athletic programs at the university and within the community; and

WHEREAS, Danny Morrison, as in sports and in academic accomplishment, also was extraordinarily successful as a businessman and was serving as Vice President of Warrior Paper and Supply Company, Incorporated, at the time of his death; his community involvement and commitments were in all areas and, most particularly, with the activities and affairs of the Alberta Baptist Church; and

WHEREAS, in addition to numerous honors and accolades bestowed upon Danny Morrison, both during his lifetime and since his death, it is the consensus of this body that he be recognized and his memory perpetuated in a manner reflective of his unswerving support of athletic endeavors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Championship Athletic field at Munny Sokol Park located on Watermelon Road in Tuscaloosa, Alabama, is hereby designated and shall forever be known as the "Danny C. Morrison Field."

BE IT FURTHER RESOLVED, That appropriate signs and markers shall be erected and maintained so designating said athletic field.

RESOLVED FURTHER, That the family of Danny C. Morrison shall receive copies of this resolution perpetuating the memory of a distinguished and beloved citizen of Tuscaloosa and the State of

Alabama.

Approved June 28, 1983

Time: 5:50 P.M.

Act No. 83-423

S. 245—Senator Bailey

AN ACT

Relating to Class 5 municipalities of this state; to authorize referendum elections which must be held on the same date as regular municipal elections to require either the adoption or repeal of a canine leash ordinance by the municipal governing body within 90 days following any such referendum election.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all Class 5 municipalities of this state, as such class is designated by act of the legislature.

Section 2. The municipal governing bodies are hereby authorized by resolution to call for referendum elections, which shall be held only upon the dates of regularly scheduled municipal elections, to either call for the adoption of a canine leash ordinance, or to call for the repeal of any existing canine leash ordinance.

Section 3. The question to be presented at any such election shall be substantially as follows:

“Do you favor the adoption (repeal) of a canine leash ordinance by the municipal governing body? Yes ____ No ____.”

If a majority of the qualified electors of the municipality vote “Yes,” the appropriate action shall be taken by the municipal governing body within 90 days following any such election. If a majority vote “No,” no action shall be taken.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 28, 1983

Time: 5:50 P.M.

Act No. 83-424

S. 292—Senator Kirkland

AN ACT

To amend the title and Section 4 of Act No. 81-1168, H. 95, of the Third Special Session of 1981 (Special Sessions Acts, 1981, p. 452), relating to the compensation and clerical assistance for the tax assessor and tax collector of Escambia County, Alabama, so as to provide further for such compensation and to provide for certain expense reimbursement for such tax assessor and tax collector and the employees of these offices and to provide for retroactive effect to October 1, 1982.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Section 4 of Act No. 81-1168, H. 95, of the Third Special Session of 1981 are hereby amended to read as follows:

“An Act to provide further for the compensation of the tax assessor and tax collector of Escambia County, Alabama; to provide for certain expense reimbursement for such officers and the employees of such offices and to provide for retroactive effect to October 1, 1982.

“Section 4. From time to time, the tax assessor and tax collector shall be granted cost-of-living increases by the county commission to the same extent as other county employees. Such increases shall be in addition to the salaries prescribed for such officers in Section 1 of this Act. The tax assessor and tax collector and the employees of these offices shall be reimbursed by the county commission for expenses incurred in the official operation of said offices by reimbursement vouchers in an amount not less than the mileage and per diem rates in effect for state employees at the time said expenses were incurred. Such cost-of-living increases and expense reimbursements as prescribed herein shall be paid retroactively to October 1, 1982.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on June 30, 1983 without approval by the Governor.

Act No. 83-425

S. 360—Senator Mitchell

AN ACT

Relating only to Lowndes County; to further provide for the distribution of the beer tax levied by Act No. 82-344, H. 165, Regular Session 1982, (Acts 1982, p. 473).

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to Lowndes County only.

Section 2. Section 1 (c)(2)(xviii) of Act No. 82-344, H. 165, Regular Session 1982 (Acts 1982, p. 473) to the contrary notwithstanding, in Lowndes County the entire proceeds of the tax collected and paid to the county pursuant to said act shall be paid to the Lowndes County Commission who, after distributing \$800.00 per month, from the proceeds of the tax to the judge of probate, shall distribute the tax as follows:

(A) One-cent per container shall be distributed to municipalities in the following manner:

(1) One-third to municipalities that have an existing beer tax distributed on a population basis.

(2) Two-thirds to go to all municipalities including those that have an existing beer tax distributed on a population basis.

(B) One-cent per container to be distributed as follows:

(1) One-tenth to the County Board of Education.

(2) One-tenth to the District Court Judge as an expense allowance.

(3) Four-fifths to the County Commission.

(C) The remainder to be equally divided between the Public School Fund and the Juvenile Services Trust Fund Account.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 28, 1983

Time: 5:50 P.M.

Act No. 83-426

H. 441—Reps. Ashley, Starkey, Goodwin,
Lauderdale

AN ACT

Proposing an amendment to the Constitution of 1901 to authorize the State of Alabama, through the Alabama State Docks Department, to convey, without consideration, title to its real property, equipment and facilities in Lauderdale County, Alabama, and known as Alabama State Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect and to authorize the State of Alabama, through the Alabama State Docks Department, to convey, with consideration, title to its real property, equipment and facilities in Morgan County, Alabama, and known as Alabama

State Docks to the Decatur-Morgan County Port Authority, a public corporation, and in Walker County, Alabama, known as the State Docks in Cordova in Walker County to the Walker County Commission, but subject to existing leases and other contractual agreements now in effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part thereof when approved and proclaimed as provided by law:

PROPOSED AMENDMENT

The State of Alabama, through the Alabama State Docks Department, is authorized to convey, without consideration, title to its real property, equipment and facilities located in Lauderdale County, Alabama, and known as the Alabama State Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect. Any laws or parts of laws or any provisions of the Constitution of 1901, as amended, which are in conflict with this amendment are hereby revised, superseded and repealed to the extent they are in conflict with this amendment.

The State of Alabama, through the Alabama State Docks Department, is authorized to convey, with consideration at a price to be established by the Director of the Alabama State Docks Department and his appraisers, title to its real property, equipment and facilities located in Morgan County, Alabama, and known as the Alabama State Docks to the Decatur-Morgan County Port Authority, a public corporation, and in Walker County, Alabama, known as the State Docks in Cordova in Walker County to the Walker County Commission, but subject to existing leases and other contractual agreements now in effect. Any laws or parts of laws or any provisions of the Constitution of 1901, as amended, which are in conflict with this amendment are hereby revised, superseded and repealed to the extent they are in conflict with this amendment.

Section 2. An election upon this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the date appointed for the election in a newspaper in

each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Passed the House as amended June 16, 1983

Passed the Senate June 29, 1983

Act No. 83-427

H. 248—Reps. Casey, Poole, Albright,
Manley

AN ACT

To provide that all additional "mark ups," on cost of merchandise, levied by the Alcoholic Beverage Control Board subsequent to the effective date of this Act the total amount of such levy shall be designated to the credit of the General Fund of the State.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The word "Board," wherever used in this Act, shall mean the Alabama Alcoholic Beverage Control Board provided for in Chapter 3, Title 28, Code of Alabama 1975. The term "mark up," wherever used in this Act shall mean the percentage amount added to cost plus freight on spirituous or vinous liquors sold by the "Board," exclusive of taxes heretofore levied with respect thereto.

Section 2. The additional "mark up" on cost of merchandise, levied by the Alcoholic Beverage Control Board subsequent to the effective date of this Act the total amount of such levy shall be designated to the credit of the General Fund of the State.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with the provisions of this Act are hereby expressly repealed.

Section 5. This Act shall become effective August 1, 1983.

Approved June 30, 1983

Time: 1:45 P.M.

Act No. 83-428

S. 355—Senator Cooley

AN ACT

To further amend Section 1 of Act No. 103, H. 372, Regular Session, 1963 (Acts

of Alabama 1963, p. 486) as amended so as to further provide for the salary of the superintendent of education of Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 103, H. 372, Regular Session 1963 (Acts of Alabama 1963, p. 486) as amended is hereby further amended to read as follows:

“Section 1. The superintendent of education of Walker County shall be entitled to receive for the performance of his duties an annual salary and such other expense allowances as may be set by the county board of education, which salary shall be paid in equal monthly installments out of the public school funds of the county and shall not exceed \$39,435.00 per year. Expense allowance may be changed by resolution of county board of education. Expense allowance shall be set in annual amount by county board of education and paid as said board of education resolves from public school funds of said county.”

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1983

Time: 1:45 P.M.

Act No. 83-429

H. 129—Rep. Hammett

AN ACT

To amend Section 11-54-20, Code of Alabama 1975, to permit municipalities to provide projects for commercial enterprises providing certain linen rental services, and to correct certain typographical errors contained in said section.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-54-20, Code of Alabama 1975, shall be and hereby is amended to read as follows:

“§ 11-54-20. Wherever used in this article, unless a different meaning clearly appears in the context, the following terms shall be given the following respective meanings:

(1) **MUNICIPALITY.** Any incorporated city or town in the state of Alabama.

(2) **PROJECT.** Any land and any building or other improve-

ment thereon and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by the following or by any combination of two or more thereof:

a. Any industry for the manufacturing, processing or assembling of any agricultural or manufactured products;

b. Any commercial enterprise in storing, warehousing, distributing or selling products of agriculture, mining or industry;

c. Any commercial enterprise providing linen rental services (including laundry and cleaning services related or incidental thereto) primarily to industries and commercial enterprises described in either of the preceding subparagraphs a and b and to institutions such as hospitals, nursing homes, other health care facilities and educational and training institutions;

d. Any enterprise for research in connection with any of the foregoing or for the purpose of developing new products or new processes or improving existing products or known processes or for the purpose of aiding in the development of facilities for the exploration of outer space or promoting the national defense; and

e. Pollution control facilities, which shall be suitable for use by any industry or enterprise or by any combination of two or more thereof, but not facilities designed for the sale or distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities.

(3) **GOVERNING BODY.** The board or body in which the legislative powers of the municipality are vested.

(4) **MORTGAGE.** A mortgage or a mortgage and deed of trust.

(5) **POLLUTION CONTROL FACILITIES.** Any land, building, structure or equipment having to do with or the end purpose of which is the control, abatement or prevention of water, air, noise or general environmental pollution, including but not limited to any air pollution control facility, noise abatement facility, water management facility, waste water collecting systems, waste water treatment works or solid waste disposal facility.

(6) **POLLUTION.** The placing of any noxious or deleterious substances, including noise, in any air or water of or adjacent to the state of Alabama or affecting the physical, chemical or biological properties of any air or water of or adjacent to the state of Alabama in a manner and to an extent which renders or is likely to render such air or water inimical or harmful to the public health, safety or welfare or to animal, bird or aquatic life or to the use of such air or water for domestic, industrial, agricultural or recreational purposes."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on July 1, 1983 without approval by the Governor.

Act No. 83-430

H. 130—Rep. Hammett

AN ACT

To amend Section 11-54-80, Code of Alabama 1975, as heretofore amended, to permit municipal industrial development boards to provide projects for commercial enterprises providing certain linen rental services, and to clarify certain provisions of said section respecting commercial enterprises providing hotel or motor inn services.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-54-80, Code of Alabama 1975, as heretofore amended, shall be and hereby is further amended to read as follows:

“§ 11-54-80. Wherever used in this division, unless a different meaning clearly appears in the context, the following terms shall be given the following respective meanings:

(1) **INDUSTRIAL DEVELOPMENT BOARD or BOARD.** Any industrial development board organized pursuant to the provisions of this division.

(2) **MUNICIPALITY.** Any incorporated city or town in this state with respect to which an industrial development board may be organized.

(3) **PROJECT.**

a. Any land and any building or other improvement thereon and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by the following or by any combination of two or more thereof:

1. Any industry for the manufacturing, processing or assembling of any agricultural, manufactured or mineral projects;

2. Any commercial enterprise in storing, warehousing, or distributing any products of agriculture, mining, or industry, or providing hotel, motor inn services, specifically excluding public dormitories or student housing facilities for institutions of higher learning including food or lodging services or both; and

3. Any commercial enterprise providing linen rental services

(including laundry and cleaning services related or incidental thereto) primarily to industries and commercial enterprises described in either of the preceding subparagraphs 1 and 2 and to institutions such as hospitals, nursing homes, other health care facilities and educational and training institutions;

4. Any enterprise for the purpose of research in connection with:

- i. Any of the foregoing;
 - ii. The development of new products or new processes;
 - iii. The improvement of existing products or known processes;
- or,
- iv. The development of facilities for the exploration of outer space or promotion of the national defense;

5. Any utility for the production of electricity by water power, provided, that, except in connection with a project described in subparagraph (3)a.5. above, "project" does not include facilities designed for the sale or distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities.

b. A project may consist of or include any facility necessary or appropriate for use by any industry or enterprise of the character described in the first sentence of this subdivision, including, without limiting the generality of the foregoing:

1. Office facilities designed for use by any such industry or enterprise not only in connection with its operation in this state, but also for use by it as national, regional or divisional offices in the management and supervision of its manufacturing, processing, assembling, storing, warehousing, distributing, selling or research operations, wherever located; and

2. Facilities for or useful in the control, reduction, abatement or prevention of pollution of air or water or both.

(4) **GOVERNING BODY.** The board or body in which the general legislative powers of the municipality are vested."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on July 1, 1983 without approval by the Governor.

Act No. 83-431

S. 306—Senator Teague

AN ACT

To amend Sections 41-4-134, 41-4-136 and 41-4-139 of the Code of Alabama 1975, which relate to state printing, so as to provide further for the printing of the Legislative Acts and the Journals of the House and the Senate.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-4-134, Code of Alabama 1975, is hereby amended to read as follows:

"Section 41-4-134. The director of finance must, after the twentieth and before the thirtieth day of the month in which bids are received, open the same in the presence of the governor, auditor and treasurer, or any two of them, and the director of finance, by and with the approval of the governor, auditor and treasurer, any two concurring, or in the case of Class 2(a) or 2(b) printing as defined in Section 41-4-131 with the approval of the Clerk of the House and the Secretary of the Senate, shall select the lowest responsible bidder, either for the classes separately or for the classes combined, as may be to the best interest of the state, but no bid unaccompanied by a bond as required in this division shall be considered. If, in the judgment of a majority of the said officers present, the public interest can be served best thereby, all the proposals, or all for either class, may be rejected, whereupon the director of finance shall advertise again in all respects as in the first instance for proposals to do the public printing or binding, or that class of it, the bids for which were rejected, and, upon the coming in of the new bids, they shall be considered, passed on and accepted or rejected, and in the last event, advertisement made again as provided in this division with respect to the proposals first made."

Section 2. Section 41-4-136, Code of Alabama 1975, is hereby amended to read as follows:

"Section 41-4-136. All contracts for public printing and binding and all bonds to secure the faithful performance of the same shall be approved by the governor, auditor and treasurer, or in the case of Class 2(a) or 2(b) printing as defined in Section 41-4-131 with the approval of the Clerk of the House and the Secretary of the Senate, and a new or additional bond may be required whenever they deem it necessary; but the giving of such new or additional bond shall in no way affect the liability of the sureties on the original or any existing bond. All such bonds must be filed and recorded in the office of the secretary of state."

Section 3. Section 41-4-139, Code of Alabama 1975, is hereby amended to read as follows:

"Section 41-4-139. The printing and binding in class 2 (a), 2 (b) and 4 must be done in the city of Montgomery. All other printing and binding enumerated in 1 and 3 may be done wherever the best work at the lowest bid can be had."

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 5, 1983

Time: 5:05 P.M.

Act No. 83-432

S. 484—Senator Teague

AN ACT

To make an additional appropriation for salaries and other expenses of the legislature for the fiscal year ending September 30, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, in addition to all other appropriations heretofore made, for salaries and other expenses of the legislature for the fiscal year ending September 30, 1983, the amount of One Million Dollars (\$1,000,000) from any funds available therefor in the state treasury.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 5, 1983

Time: 5:05 P.M.

Act No. 83-433

S. 91—Senator Parsons

AN ACT

Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff for the Bessemer Division of Jefferson County and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Assistant Sheriff for the Bessemer Division of Jefferson County shall receive salary compensation in an amount equal to that set by the Personnel Board of Jefferson County, Alabama, for a position three (3) pay grades higher than the highest paid Captain in the Jefferson County Sheriff's Department. The Assistant Sheriff shall also receive additional compensation similar to that paid to any Captain in the Jefferson County Sheriff's Department, such as longevity or other pay allowances; said compensation to be determined by the same formula as is used to determine such longevity or pay allowances for other employees of the Sheriff's Department.

All salary or other compensation shall be paid out of the County treasury as the salary and compensation of other County employees are paid.

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 5, 1983

Time: 5:05 P.M.

Act No. 83-434

S. 272—Senators Smith (J.), Smith (B.)
and Barron

AN ACT

To amend Act No. 80-270, Regular Session, providing methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section A of Act 80-270, 1980 Regular Session is hereby amended to read as follows:

"A. Pursuant to the authority granted by Section 40-28-2, Code of Alabama 1975, Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes shall be distributed in the following manner:

Beginning fiscal year 1982-1983, the first \$45,000 paid, as Madison County's total share, shall be for the purpose of establishing and maintaining a legislative delegation office. Each year thereafter, this amount will increase according to the most recently published Consumer Price Index of the Bureau of Labor Statistics. The increase will be determined by comparing the CPI for the most recent month to the CPI of the same month one year prior. If there is no increase indicated, the amount received by the Legislative Office will be the same received for the preceding year. All decisions concerning the Madison County Legislative Office, including but not limited to, revenue, income, or purchases shall be made by resolutions of the delegation adopted by a concurrent majority of the Madison County delegation, Senators and House of Representative members, each House voting separately. Such resolution may provide an operation procedure for the delegation office. The Madison County Commission shall immediately pay such amounts from such funds as the Madison County legislative delegation may request. Such requests shall be in the form of a resolution passed by the county legislative delegation, signed by one Senator and one member of the House of Representatives from the county who shall be duly appointed by the legislative delegation. The legislative delegation shall expend such monies to employ staff, acquire adequate physical office space, equipment, supplies, services and all other necessary items. The persons employed and expenditures of the funds by the legislative delegation shall be in their discretion. Any funds allocated but not spent at the end of the fiscal year, in accordance with this subsection, shall revert to the general fund of the county treasury. The revenue and expenditures of the legislative office shall be audited on an annual basis."

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 5, 1983

Time: 5:05 P.M.

AN ACT

Relating to Talladega County; abolishing the offices of tax assessor and tax collector and providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the term of office, duties, office, equipment, personnel, and compensation of such official, repealing conflicting laws, to be effective upon the approval of a majority of the electors of Talladega County voting in a referendum election held for such purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the passage of this act and approval by a local referendum election as provided in Section 11 hereof, there shall be a county revenue commissioner in Talladega County. The present tax collector of said county shall serve as the new revenue commissioner until September 30, 1985, at which time his term shall expire. His successor shall be elected at the general election in 1984 and at the general election every six years thereafter, who shall serve for a term of six years beginning on the first day of October next after his election, and until his successor is elected and has qualified.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for taxation, the collection of taxes, the keeping of records and the making of reports concerning assessments for and the collection of taxes.

The county revenue commissioner shall also issue all state and county license tags, tag renewals, and other licenses as are presently issued by the probate judge.

Section 3. Subject to the approval of the county commission, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks, and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the county commission, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the county commission, and shall be a preferred claim against the county.

Section 5. The county shall provide the necessary offices for the county revenue commissioner, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor or the tax collector of the county are now or hereafter may be by law authorized and directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of his office, the county revenue commissioner shall receive the minimum salary provided by Section 40-6A-2, Code of Alabama 1975, payable in equal monthly installments out of the general fund of the county.

Section 7. The offices of tax assessor and tax collector of Talladega County are hereby abolished effective upon the passage of this act, and referendum election approval as provided in Section 11 hereof.

Section 8. It is the purpose of this act to promote the public convenience in Talladega County by consolidating the offices of tax assessor and tax collector into one office.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and upon the approval of a majority vote of the qualified electors of Talladega County voting in a special referendum election held for such purpose. The question to be presented at such election shall be substantially as follows: "Do you approve of the passage of a local act for Talladega County at the 1983 Regular Legislative Session which abolishes the offices of tax assessor and tax collector and establishes a consolidated and unified system of assessment and collection of taxes by the creation of an office of county revenue commissioner? Yes ____ No ____." If a majority of the electors vote "Yes," the provisions of this act shall become effective. If a majority vote "No," this act shall be null and void and have no force or effect of law.

The election shall be held on the same date as the first special primary or general statewide election held subsequent to the passage of this Act.

Approved July 5, 1983

Time: 5:05 P.M.

Act No. 83-436

S. 441—Senator Kirkland

AN ACT

Relating to Monroe County; to provide an additional expense allowance for the members of the county board of education to become effective June 1, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of education in Monroe County shall receive an additional expense allowance in the amount of \$150 per month to be paid out of the same funds that their regular compensation is paid. Said expense allowance shall be in addition to any and all other salary, compensation and expense allowances provided for by law.

Section 2. The provisions of this act shall become effective June 1, 1983.

This Act became a law under Section 125 of the Constitution on July 7, 1983 without approval by the Governor.

Act No. 83-437

S. 198—Senator Hilliard

AN ACT

To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-52-3 of the Code of Alabama 1975 is hereby amended to read as follows:

(a) The commission shall consist of nine members: The mayor, one of the administrative officials of the municipality selected by the mayor, a member of the council to be selected by it as a member ex officio and six persons who shall be appointed by the mayor, if the mayor is an elective officer, otherwise by such officer as the council may in the ordinance creating the commission designate as the appointing power; provided, that in any Class I municipality, the commission shall consist of 16 members: The mayor, one of the adminis-

trative officials of the municipality selected by the mayor, two members of the council to be selected by it as members ex officio and 12 persons who shall be selected by the council.

In addition to regular members, the mayor and each of said council members of Class I municipalities serving on such commission may each appoint, from the administrative staff of the mayor and council exclusively, a supernumerary member who shall be authorized to be counted for the purpose of determining a quorum, and, while serving, to act with all of the power and authority of a regular member whenever such municipal official is not personally in attendance.

In addition to the regular members, in all cities having populations of not less than 175,000 nor more than 275,000, two supernumerary members shall be appointed to serve on such board at the call of the chairman only in the absence of regular members, and while so serving, they shall have and exercise the power and authority of regular members.

Section 2. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on July 7, 1983 without approval by the Governor.

Act No. 83-438

H. 198—Reps. Casey, Holley

AN ACT

To amend Sections 41-4-5 and 41-4-81, Code of Alabama 1975, relating to the chiefs of divisions and employment of a state budget officer, so as to provide that such budget officer may be employed from within or without the classified service and shall serve at the pleasure of the state finance director; and to provide that such budget officer shall be entitled to the same benefits as any person within the classified service.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 41-4-5 and 41-4-81, Code of Alabama 1975, are hereby amended to read as follows:

“§ 41-4-5. The director of finance shall, subject to the provisions of the merit system, have the right to appoint any employee in the department. All employees and officers of the department of finance, including the chiefs of divisions, except as otherwise provided for in this chapter, shall be subject to the merit system.”

“§ 41-4-81. The division of the budget shall be headed by and under the direction, supervision and control of an officer who shall be designated the budget officer. The budget officer may be em-

ployed from within or without the classified service; such budget officer shall be appointed by and serve at the pleasure of the director of finance, with the approval of the governor. The budget officer shall be entitled to the same benefits as any person in the classified service."

Section 2. Any person who may be serving as such budget officer, on the effective date of this Act, who is not re-employed as such budget officer under the provisions of this Act, and who prior to such employment as budget officer was a member of the state merit system, may elect to return to the merit system job classification previously held.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 5, 1983

Time: 5:05 P.M.

Act No. 83-439

H.J.R. 364—Rep. Holley

HOUSE JOINT RESOLUTION

COMMENDING THE ENTERPRISE RESCUE SQUAD

WHEREAS, the Enterprise Rescue Squad has, since its inception, devoted its untiring efforts to limiting death and disability in the Enterprise area; and

WHEREAS, the thirty-one members of the Enterprise Rescue Squad have worked together to become a valuable part of the Emergency Medical Services System; and

WHEREAS, the Enterprise Rescue Squad is comprised of more Paramedics than any volunteer Rescue Squad in the State of Alabama; and

WHEREAS, the Enterprise Rescue Squad will, on July 4, 1983, celebrate its twentieth anniversary as an organized Rescue Squad; and

WHEREAS, the Enterprise Rescue Squad enjoys a perfect record of twenty years of service to the community without an accident; and

WHEREAS, the training, skill, dedication, and efficiency of the Enterprise Rescue Squad have earned the support of their community, and served to save many lives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend the members of the Enterprise Rescue Squad for their twenty years of unselfish service to their community.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Enterprise Rescue Squad and to the Southeast Alabama Emergency Medical Services Council.

Approved July 5, 1983

Time: 5:05 P.M.

Act No. 83-440

S. 76—Senator Aldridge

AN ACT

To amend Sections 1 and 2, Act No. 80-167, S. 299, Regular Session 1980 (Acts 1980, p. 245), relating to Morgan County and the distribution of payments made in lieu of ad valorem taxes by the Tennessee Valley Authority pursuant to Section 40-28-3, Code of Alabama 1975, so as to further provide for such distribution; and to further provide for the termination of the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act No. 80-167, S. 299, Regular Session 1980 (Acts 1980, p. 245), are hereby amended to read as follows:

“Section 1. In Morgan County, the payments made to the county commission as authorized in Section 40-28-3, Code of Alabama 1975, shall be distributed by the said county commission as follows:

“(A) The first forty percent (40%) of said funds shall be allocated as follows:

“1. Fifty percent (50%) to the three school systems, i.e., Morgan County School System, Decatur City School System and Hartselle School System. Such funds shall be distributed to these school systems based on the average daily attendance, for the previous school year, as determined and provided by the State Board of Education.

“2. Fifty percent (50%) to the said three school systems on a pro rata basis that its population, according to the 1980 federal decennial census, bears to the entire population of the county, i.e., the population of Decatur for the Decatur School System; the population of Hartselle for the Hartselle School System; and the total populations of the unincorporated areas of Morgan County and the towns of Priceville, Trinity, Falkville, Flint City, Eva and Somerville

for the Morgan County School System.

“(B) The remaining sixty percent (60%) of said funds shall be distributed to the county general fund and on a pro rata basis to the general funds of the various municipalities, with each municipality receiving the amount that its population, according to the latest federal census, bears to the entire population of the county, and the general fund of the county receiving the amount that the population of the county outside the municipalities bears to the entire population of the county, according to the latest federal census.

“Section 2. Notwithstanding any law to the contrary, the provisions of this Act shall remain in effect until October 1, 1985. If on that date, the legislature has not acted to renew this Act, the distribution of revenue authorized by Section 40-28-3, Code of Alabama 1975, shall be controlling.”

Section 2. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law on October 1, 1983.

Approved July 6, 1983

Time: 1:55 P.M.

Act No. 83-441

S. 458—Senator Keener

AN ACT

Relating to the City of Gadsden, Etowah County; providing for a preferential referendum on the question of a mayor-council form of government for the City of Gadsden; prescribing the time of the election; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In the City of Gadsden, at the first constitutional amendment election, or the first presidential primary election at least three months after final adjournment of the 1983 Regular Session of the Legislature, there shall appear on the ballot substantially the following question:

“Do you favor the mayor-council form of government for the City of Gadsden? Yes () No ().”

Section 2. Such question in said preferential election shall be approved if a majority of the qualified voters voting thereon in the City of Gadsden vote in favor thereof. The results thereof shall be certified to the legislative delegation for their advice.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declara-

tion shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 6, 1983

Time: 1:55 P.M.

Act No. 83-442

S. 440—Senator Holmes

AN ACT

Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 154, H. 746, of the 1965 Regular Session is hereby amended to read as follows:

“Section 9. All applications for motor vehicle tags by mail and the correct amount of taxes and fees shall be received by the commissioner of licenses on or before November 10th preceding November 15th, the final date on which the motor vehicle license tag is payable without penalty, and the commissioner of licenses shall mail such tag on or before November 14th preceding such November 15th. The commissioner of licenses shall charge and collect a reasonable fee for each motor vehicle license tag issued by mail, in addition to all fees prescribed by law. The county commission shall, by resolution, annually establish the amount of said fee, upon a written recommendation of the license commissioner. The license commissioner shall submit his recommendation on or before October 1, of each year. Upon receipt of the recommendation, the county commission shall set the fee for the following calendar year. Such additional fee shall be paid by the owner of the motor vehicle with his mailed request for license tags, and such fees collected by the commissioner of licenses shall be paid into the general fund of the county. The procedure authorized by this Act for the payment of ad valorem taxes and motor vehicle license taxes and the issuance of license tags is optional, additional, and alternative to the procedure now provided by law. Each owner of a motor vehicle shall continue to have the right to pay taxes and to receive his tag in person without the payment of the additional fee hereinabove provided. All the forms

necessary in the administration of this Act shall be furnished by the State Department of Revenue."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 6, 1983

Time: 1:55 P.M.

Act No. 83-443

H.J.R. 310—Rep. Bennett

HOUSE JOINT RESOLUTION

COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Lakeshore Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Lakeshore Hospital in twenty-four different areas.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Lakeshore Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

Approved July 6, 1983

Time: 1:55 P.M.

Act No. 83-444

H.J.R. 312—Reps. Bowling, Drake

HOUSE JOINT RESOLUTION

COMMENDING MR. JOHN GRADY MOSS FOR OUTSTANDING SERVICE TO THE CITIZENS OF CULLMAN COUNTY.

WHEREAS, though a native of Colbert County, Mr. John Grady Moss has been a resident of Cullman since 1932; and

WHEREAS, Mr. Grady Moss attended David Lipscomb College in Nashville, Tennessee, and Abilene Christian College in Abilene, Texas; he is a graduate of Gupton-Jones Mortuary School in Nashville; and

WHEREAS, since moving to Cullman, Mr. Moss has been involved in the mortuary business, and for the vast majority of that time as the owner of Moss-Service Funeral Home, now in partnership with his son, David; and

WHEREAS, in addition to serving the citizens of Cullman County as a mortician, with sensitivity and compassion, Mr. Moss also has been active in service to his community in numerous other areas; and

WHEREAS, he is a former longtime member of the Kiwanis Club; he is a Mason and Shriner; and he is a member of the East Cullman Church of Christ where he is faithful in attendance and dedicated in responsibility to the affairs of his church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation and praise of Mr. John Grady Moss of Cullman, Alabama; we further express deep admiration of his numerous outstanding accomplishments and direct that he receive a copy of this resolution that he and his wife, Mrs. Helen Graves Moss, and other family members may know of our highest personal regard.

Approved July 6, 1983

Time: 1:55 P.M.

Act No. 83-445

H.J.R. 313—Reps. Layton, Davis, Payne

HOUSE JOINT RESOLUTION

COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected East End Memorial Hospital & Health Centers

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of East End Memorial Hospital & Health Centers in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate East End Memorial Hospital & Health Centers on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

Approved July 6, 1983

Time: 1:55 P.M.

Act No. 83-446

H.J.R. 314—Reps. Rains, Coleman, Stout

HOUSE JOINT RESOLUTION

**COMMENDING MRS. BETTY BARNES OF GUNTERS-
VILLE, ALABAMA.**

WHEREAS, in a desire to recognize Alabamians of achievement, the Alabama Legislature is pleased to note the recent selection of Mrs. Betty Barnes of Guntersville, Alabama, as runner-up in national competition to choose the Handicapped Professional Woman of the Year; and

WHEREAS, as runner-up, Betty Barnes, the Guntersville Pilot Club's candidate, will be flown by Pilot International, along with the winner, to the organization's annual convention to be held in Hawaii in July; and

WHEREAS, the contest was held for the purpose of recognizing "professional women whose handicaps have inspired them to new career heights and to greater community service"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Betty Barnes of Guntersville, Alabama, for outstanding achievement; we further congratulate her as National runner-up for Handicapped Professional Woman of the Year and direct that she receive a copy of this resolution in small token of our deep admiration and highest regard.

Approved July 6, 1983

Time: 1:55 P.M.

Act No. 83-447

H.J.R. 318—Rep. McKee

HOUSE JOINT RESOLUTION

**COMMENDING FRANK J. SEGO ON HIS CANDIDACY
FOR PRESIDENT-ELECT OF THE NATIONAL EXCHANGE
CLUB.**

WHEREAS, Frank J. Sego, of Montgomery, Alabama, is a candidate for the high office of President-Elect of the National Exchange Club at its 65th annual convention to be held in the City of Nashville, Tennessee in July, 1983, and

WHEREAS, the said Frank J. Sego has been an active member of the Exchange Club of Montgomery where he served as its president, performing many tasks of civic and community-building nature, in addition to his duties as director of public affairs for the Alabama Forestry Commission, and

WHEREAS, the said Frank J. Sego was president of the Ala-

bama District Exchange Clubs during the year 1976 and 1977, serving with dignity, intelligence and ability, and

WHEREAS, Frank J. Sego has been honored by Exchange as Most Outstanding Exchangite of the Montgomery Club, as the Alabama District's Most Outstanding Member and a Most Outstanding District Director in Alabama for the National Exchange Club, and

WHEREAS, Frank J. Sego has a proven record of leadership through his numerous civic endeavors in the Montgomery area, including the chairmanship of the Montgomery Crime Prevention Program, the Bicentennial Commission, the Sales and Marketing Executives, the Metropolitan Montgomery Urban League and Keep Montgomery Beautiful; and has served on the board of trustees of the St. James School, the Voluntary Action Center and a number of other organizations within the community, and

WHEREAS, Frank J. Sego has twice been elected to, and is currently serving as, a member of the board of directors of the National Exchange Club; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically endorse the candidacy of Frank J. Sego for the high office of President-Elect of the National Exchange Club and recommend him in every possible way to the citizens of other states and offer our assistance to him in his campaign for this office.

BE IT FURTHER RESOLVED, That a copy of this resolution be circulated among the proper officials of the National Exchange Club.

Approved July 6, 1983

Time: 1:55 P.M.

Act No. 83-448

H.J.R. 319—Reps. Goodwin, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow,

Davis, Drake,
 Drinkard, Dutton,
 Escott, Faulk, Flowers,
 Ford, Freeman, Gaston,
 Grimsley, Grouby,
 Hall, Hammett,
 Harper, Harvey,
 Hettinger, Holley,
 Holmes, Horn,
 Howard, Johnson
 (A.L.), Johnson (R.G.),
 Johnson (Roy),
 Junkins, Kennedy,
 Kvalheim, Laird,
 Langford, Lauderdale,
 Layton, Lewis, McKee,
 McMillan, Manley,
 Martin, Mathis,
 Melton, Minus,
 Mitchell, Moore,
 Murphy, Nevett,
 Newman, Nicholson,
 Owens, Parker, Payne,
 Penry, Poole, Preuitt,
 Rains, Reed, Rice,
 Richardson, Rogers,
 Sasser, Scott, Seibels,
 Smith, Starkey, Starr,
 Stout, Thomas,
 Thornton, Trammell,
 Tucker, Turner,
 Turnham, Venable,
 Waggoner, Warren,
 White (F), White (L),
 Williams, Wilson,
 Wright, Zoghby.

HOUSE JOINT RESOLUTION

COMMENDING MISS STEPHANIE KAY ASHMORE OF
 MUSCLE SHOALS, ALABAMA, AMERICA'S JUNIOR MISS
 FOR 1983.

WHEREAS, the hearts of all Alabama citizens swelled with
 pride in the selection of our own Miss Stephanie Kay Ashmore of
 Muscle Shoals, Alabama, as America's Junior Miss for 1983; and

WHEREAS, the pageant finals, televised nationally from Mo-

bile, Alabama, on June 21, 1983, began with the musical introduction of each state Junior Miss and were followed by the announcement of the five leading contenders who competed further for judging before a nationwide audience; and

WHEREAS, Stephanie, as Alabama's Junior Miss, was first selected from among all 52 contestants to receive the pageant preliminary physical fitness award and a \$5,000 scholarship; she then thrilled the audience in talent competition with a superb ballet and gymnastic routine to the accompaniment of "Bless the Beasts and Children"; and

WHEREAS, Alabama's and America's new Junior Miss is the 18-year-old daughter of Dr. and Mrs. James D. Ashmore of Muscle Shoals and a 1983 graduate of Muscle Shoals High School where she excelled academically and was involved in numerous school related and extra curricular activities; and

WHEREAS, in addition to her prestigious national title, Stephanie also was awarded a \$32,600 scholarship, among many other prizes, and will of course be traveling widely during her reign in public appearances throughout America; and

WHEREAS, we are indeed exceedingly proud of Miss Ashmore who, as America's Junior Miss, has brought great honor to her hometown and to the entire State of Alabama; she is an extraordinary young lady of outstanding accomplishment and we sincerely wish her every future success and happiness in life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate America's Junior Miss, Stephanie Kay Ashmore of Muscle Shoals, Alabama, and direct that she be presented with a copy of this resolution in token of our utmost regard and on behalf of all citizens of Alabama.

Approved July 6, 1983

Time: 1:55 P.M.

Act No. 83-449

H.J.R. 321—Rep. Brooks

HOUSE JOINT RESOLUTION

EXPRESSING GRATITUDE TO MR. EARL GIPSON FOR HIS DEDICATED WORK AT CAMERON UNITED METHODIST CHURCH.

WHEREAS, in August of 1983, Cameron United Methodist

Church will hold its annual homecoming; and

WHEREAS, on this momentous occasion former members, present members and friends will assemble and recall the many heartwarming events of the past; and

WHEREAS, in furtherance of this special day we pay special tribute to Mr. Earl Gipson for his many years of dedicated work at Cameron United Methodist Church; and

WHEREAS, Mr. Gipson has over the past many years given untiringly of his time in the work of Cameron United Methodist Church, serving as superintendent and providing leadership in ensuring that the work of this Church would be carried out; and

WHEREAS, it is to be noted with great gratitude that in addition to his leadership as superintendent, he has also given unselfishly of his time in making repairs and modification to the building and also in supervising the opening of graves for funerals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That with deep appreciation and heartfelt praise, we express our highest regard and esteem to Mr. Earl Gipson for the outstanding contributions he has made in service to his church and community.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Earl Gipson.

Approved July 6, 1983

Time: 1:55 P.M.

Act No. 83-450

H.J.R. 324—Rep. Smith

HOUSE JOINT RESOLUTION

COMMENDING ARTIST JOHN ZED KING OF CLANTON, ALABAMA, AND DESIGNATING JULY 16, 1983, AS JOHN ZED KING DAY IN ALABAMA.

WHEREAS, Mr. John Zed King of Clanton, Alabama, is a native of Mobile County and a 1966 graduate of Vigor High School; he has attended Yancey State Junior College, Gadsden State Technical School, Alexander City Junior College, George C. Wallace Community College and the University of Montevallo as an art major; and

WHEREAS, Mr. King entered the United States Army in 1970 as an instructor at Fort Gordon and upon transfer to Fort Sam Houston, in 1973, was attached to the Medical Training Center as

an illustrator; he became interested in watercolor while on tour of duty in San Antonio, Texas, precipitating his career as a professional artist; and

WHEREAS, after Mr. King left military service to devote full time to his art career, he toured the United States and Canada from 1975 to 1978 with the World of Art, which is based in California; and

WHEREAS, Mr. King's studio has been located in Clanton, Alabama, since 1975, and he has become widely known as one of our nation's finest watercolorists; his paintings are now part of numerous public and private collections throughout North America and his work also is seen on covers of widely circulated magazines; and

WHEREAS, Mr. King's unique style and subjects of universal appeal have established him as a renowned artist and through such distinction he has brought great fame and honor to our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in appreciation of outstanding accomplishment and in warm personal pride, we hereby designate July 16, 1983, as "John Zed King Day" in the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. King in token of our utmost regard and as a memento of this honorary designation of the Alabama Legislature.

Approved July 6, 1983

Time: 1:55 P.M.

Act No. 83-451

H.J.R. 326—Reps. Waggoner, Scott, Smith, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett,

Harper, Harvey, Hettinger,
 Holley, Holmes, Horn,
 Howard, Johnson (A.L.),
 Johnson (R.G.), Johnson
 (Roy), Junkins, Kennedy,
 Kvalheim, Laird, Langford,
 Lauderdale, Layton, Lewis,
 McKee, McMillan, Manley,
 Martin, Mathis, Melton,
 Minus, Mitchell, Moore,
 Murphy, Nevett, Newman,
 Nicholson, Owens, Parker,
 Payne, Penry, Poole, Preuitt,
 Rains, Reed, Rice,
 Richardson, Rogers, Sasser,
 Seibels, Starkey, Starr, Stout,
 Thomas, Thornton, Trammell,
 Tucker, Turner, Turnham,
 Venable, Warren, White (F),
 White (L), Williams, Wilson,
 Wright, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Children's Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals

survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Children's Hospital in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Children's Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

Approved July 6, 1983

Time: 1:55 P.M.

Act No. 83-452

H.J.R. 327—Rep. Faulk

HOUSE JOINT RESOLUTION

COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Crenshaw County Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Crenshaw County Hospital in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Cren-

shaw County Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

Approved July 6, 1983

Time: 1:55 P.M.

Act No. 83-453

H. 637—Rep. Turner

AN ACT

Proposing an amendment to the Constitution of Alabama authorizing the Mobile County Commission to provide a health insurance plan for retired county employees at its discretion.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part of the constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

The Mobile County Commission may, from time to time by resolution duly adopted and spread upon its minutes, provide for a comprehensive health insurance plan for retired county employees. If such plan is so adopted, the Mobile County Commission shall determine the extent of coverage of such plan and shall prescribe rules and regulations governing participation in such plan.

Section 2. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 3. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Mobile County after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901 and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

CONSTITUTIONAL AMENDMENT

Passed the House May 31, 1983

Passed the Senate July 12, 1983

Act No. 83-454

H. 726—Rep. Laird

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing and directing Randolph County under certain conditions (a) to levy privilege, license and excise taxes paralleling the state sales and use taxes at the rate of one-half of one percent on gross proceeds of businesses made subject to the said taxes, (b) to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (c) to pay four-tenths of the road, bridge and public building ad valorem tax authorized by Section 215 of the Constitution, as amended, to be levied by the county into said special fund, and (d) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding \$1,500,000 in principal amount for the purpose of financing certain County Facilities (as defined herein), to be secured by a pledge of (i) the said privilege, license and excise taxes authorized and directed by this Amendment to be levied by Randolph County, (ii) one-half of the said special ad valorem tax, and (iii) four-tenths of the special ad valorem tax authorized by Section 215 of the Constitution; providing that none of the bonds or warrants shall be chargeable against the limitation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternate method of the submission of certain proposed Amendments) are inapplicable to this proposed Amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is hereby proposed:

“(A) As used in this Amendment, the following terms shall be given the following respective meanings:

“County” means Randolph County, Alabama.

“County Facilities” means (a) any land, building, equipment and any other facility or facilities necessary or useful in the housing, confinement, detention, feeding, treatment, rehabilitation and training of persons held in lawful custody, and (b) any land, building, equipment or other facility useful as a county courthouse building.

“County Facilities Building Fund” means the County Facilities Building Fund established herein for the purpose of receiving certain tax receipts required by the provisions hereof to be paid therein.

“Existing Ad Valorem Tax” means the two and one-half mill special ad valorem tax authorized to be levied by the County pursuant to Section 215 of the Constitution.

“Securities” means any bonds or warrants, including refunding bonds or warrants, issued by the County under the provisions of this Amendment.

"Special Ad Valorem Tax" means the special county hospital ad valorem tax authorized to be levied by the County pursuant to Amendment No. 72 to the Constitution.

"Special Sales Tax" means the special County privilege, license and excise taxes authorized and directed by this Amendment to be levied by the County on those engaged in the business of selling tangible personal property at retail and conducting places of amusement in the County paralleling the State sales and use taxes.

"Special Taxes" means the Special Ad Valorem Tax, the Special Sales Tax, and the Existing Ad Valorem Tax.

(B) The County is hereby authorized and directed, within 60 days after the proclamation of the ratification of this Amendment, to levy and collect, or provide for the collection of special privilege, license and excise taxes on those engaged in the business of selling tangible personal property and conducting places of amusement in the County at the rate of one-half of one percent (0.5%) of the gross receipts of the businesses made subject to the Special Sales Tax, which tax shall, to the fullest extent possible, parallel the sales and use taxes levied by the State. All revenues derived by the County from the levy of the Special Sales Tax, less the cost of collection of such revenues not to exceed 5% thereof to be paid to the Department of Revenue, shall be paid into the County Facilities Building Fund. The County shall discontinue the levy of the Special Sales Tax when all of the Securities issued hereunder shall have been paid in full, or when the County shall have expended the sum of \$1,500,000 out of the County Facilities Building Fund to pay costs of County Facilities, whichever, shall last occur.

(C) The County is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay, out of taxes collected each year, beginning with taxes collected with respect to the tax year that began October 1, 1982, one-half of the tax receipts derived from the levy of the Special Ad Valorem Tax into the County Facilities Building Fund. The County shall discontinue paying such tax receipts into the County Facilities Building Fund when all of the Securities issued hereunder have been paid in full, or when the County shall have expended the sum of \$1,500,000 out of the County Facilities Building Fund to pay costs of County Facilities, whichever shall last occur.

(D) The County is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay four-tenths of the tax receipts derived by the County from the levy of the Existing Ad Valorem Tax into the County Facilities Building Fund. The County shall discontinue paying such tax receipts into the County Facilities Building Fund when all of the Securities issued hereunder have

been paid in full, or when the County shall have expended the sum of \$1,500,000 out of the County Facilities Building Fund to pay costs of County Facilities, whichever shall last occur.

(E) The County is hereby authorized and directed to establish the County Facilities Building Fund for the purpose of receiving the moneys required to be paid therein by the provisions hereof. Funds on deposit in the County Facilities Building Fund shall be used to pay the costs of acquiring, providing, constructing and equipping new County Facilities, renovating, reconstructing, improving, enlarging or equipping any existing County Facilities or any combination thereof, up to an amount not exceeding \$1,500,000, and to pay principal of and interest and premium, if any, on Securities issued hereunder to finance County Facilities.

(F) The County is hereby authorized to sell and issue from time to time its Securities, not exceeding \$1,500,000 in aggregate principal amount, for the purpose of acquiring, providing, constructing and equipping new County Facilities, renovating, reconstructing, improving, enlarging or equipping any existing County Facilities or any combination thereof and to pledge for payment of the Securities the portions of the Special Taxes required to be paid into the County Facilities Building Fund.

For the purpose of refunding any Securities, including refunding Securities issued under the provisions of this Amendment, whether the refunding shall occur before, at or after the maturity of the Securities refunded and for the purpose of paying all premiums and expenses of the refunding (including attorneys' fees, costs of printing the refunding Securities, fiscal agents' fees, and accountants' fees), the County is hereby authorized to sell and issue from time to time refunding Securities in an aggregate principal amount not exceeding the sum of (a) the outstanding principal amount of the Securities to be refunded, (b) the interest (accrued or to accrue) to the respective maturities of the Securities to be refunded, or if the Securities to be refunded are to be called for redemption, either on the earliest date on which under their terms they may be redeemed or some later date or dates, the interest (accrued or to accrue) on the Securities to be refunded to the date or dates on which they are to be called for redemption, (c) the amount of any redemption premium required, by the terms of the Securities, to be paid as a condition to their redemption prior to their respective maturities, and (d) the amount of any expenses (actual or estimated) of such refunding.

The Securities issued hereunder may but need not be general obligations of the County, but shall be secured by the portions of the Special Taxes pledged for their payment in the proceedings of

the County whereunder the Securities are authorized to be issued and required to be paid into the County Facilities Building Fund.

All Securities issued under this Amendment may be in such form and denominations and of such tenor and maturities, may bear interest at such rate or rates, payable at such time or times, not exceeding thirty (30) years from their date, may be sold at public or private sale and may contain such provisions not inconsistent with this Amendment as shall be provided in the proceedings of the governing body of the County wherein such Securities are authorized to be issued. The power to levy the Special Sales Tax, to pay as required herein the portions of the Special Ad Valorem Tax and the Existing Ad Valorem Tax into the County Facilities Building Fund and the power to issue the Securities shall be in addition to all other powers which the County may have under this Constitution and the laws of Alabama. The indebtedness evidenced by the Securities issued under this Amendment shall be in addition to and shall not be charged against the limitation on the indebtedness of the County provided for in Section 224 of the Constitution.

(G) It is the intention hereof that the governing body of the County shall (a) levy the Special Sales Tax, and (b) pay one-half of the revenues from the Special Ad Valorem Tax and four-tenths of the revenues from the Existing Ad Valorem Tax (subject only to prior pledges of either thereof) as shall together be sufficient to provide funds to pay costs of County Facilities herein provided for, either directly or through payment of the principal of and interest (and premium, if any) on the Securities authorized to be issued hereunder, all to the end that adequate County Facilities will be available in the County. Proceeds of the Special Taxes that are not needed in any fiscal year to pay principal of and interest on Securities issued hereunder or to refund Securities shall be used to pay costs of constructing and maintaining the County Facilities herein provided for, or to purchase and retire Securities or call Securities for redemption prior to the maturity thereof.

(H) The provisions of this Amendment shall be self-executing, and authorization from or any other action by the Legislature shall not be a prerequisite to the issuance of the Securities hereunder or to the levy of the Special Taxes or the use of the proceeds of the Special Taxes as provided herein; provided, however, that the provisions of this Amendment shall not become operative unless approved by a majority of the qualified electors of Randolph County who vote thereon at a referendum election held for such purpose upon the call of the Randolph County Commission, and provided further, that if this amendment is approved by the qualified electors of Randolph County who vote thereon upon its submission, such election shall constitute a referendum held for such purpose and no

further election need be called.

(I) It is hereby specifically declared that this Amendment is not being proposed pursuant to the provisions of that certain amendment to the Constitution (known as Amendment No. 425) that was proposed by Act No. 82-330 adopted at the 1982 Regular Session of the Legislature of Alabama, and provisions of the said Amendment 425 are hereby declared to be inapplicable.

Section 2. An election upon the proposed Amendment is ordered to be held at the first statewide primary, general or special election after the expiration of three (3) months from the final adjournment of the session of the Legislature at which this bill is enacted. The election shall be held in accordance with the provisions of Section 284, as amended, and Section 285 of the Constitution of Alabama of 1901 and Title 17, Chapter 17, Code of Alabama of 1975.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in every county in the state for four successive weeks next preceding the day herein appointed, in a newspaper published in each such county; provided that in any county in which there may be no newspaper published, the proclamation shall be published by posting, for a period of not less than four consecutive weeks next preceding the day so appointed, a copy of the said proclamation at each courthouse in the said county. A newspaper shall be deemed to be published in a county, within the meaning of this section, if its principal editorial office is located in that county.

CONSTITUTIONAL AMENDMENT

Passed the House as amended June 21, 1983

Passed the Senate as amended July 13, 1983

House concurred in Senate amendment July 13, 1983

Act No. 83-455

H. 163—Reps. Drinkard, Ford

AN ACT

To provide for the establishment of a uniform plan of health insurance for employees and, under certain conditions, retired employees of state educational institutions which provide instruction at any combination of grades K-14, exclusively, under the auspices of the state board of education; and to provide a method for funding the benefits authorized herein. To further provide that any agency covered by the Teachers' Retirement System may elect, under certain conditions, to have its employees and retired employees covered by the provisions of this act and to establish a procedure for funding the cost of coverage on account of such employees and retired employees. To provide for the creation of the Public Education Employees' Health Insurance Board, its authority, responsibilities, powers, and duties, and to provide for

the terms or its members. To further provide for the types of medical/hospital coverages which may be offered under the public education employees' health insurance plan. To further provide that the board, upon certain finding, may develop a plan of self insurance.

Be It Enacted by the Legislature of Alabama:

Section 1. When used in this act, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) **Employee**—any person who is employed full-time in any public institution of education within the state of Alabama which provides instruction at any combination of grades K through 14 exclusively, under the auspices of the state board of education; provided, any person employed part-time by any public institution of education within the state of Alabama which provides instruction at any combination of grades K through 14, exclusively, under the auspices of the state board of education, shall be included in the definition of employee if such person shall agree to have deducted from his compensation a pro rata portion of the premium cost of a full-time employee, based on the percentage of time such person is employed, in accordance with such rules and regulations as shall be adopted by the board;

(2) **Retired Employee**—any person receiving a monthly benefit from the teachers' retirement system, who at the time of his retirement was employed by a public institution of education within the state of Alabama which provided instruction at any combination of grades K through 14, exclusively, under the auspices of the state board of education. All retired employees of post-secondary institutions shall be eligible to participate under provisions of this Act.

(3) **Board**—the public education employees' health insurance board.

Section 2. (1) The public education employees' health insurance board shall consist of the members of the board of control of the teachers' retirement system of Alabama;

(2) Board members shall serve without compensation for their services as board members, but shall be reimbursed from the fund established in subsection (6) of Section 8 for all necessary expenses that they may incur through service on the board;

(3) Each board member shall, within ten days after his appointment or election to the board of control of the teachers' retirement system, take an oath of office that, so far as it devolves on him, he will diligently and honestly administer the affairs of the board herein established, and that he will not knowingly violate, or willingly permit to be violated, any of the provisions of law applicable to

the public employees' health insurance plan. Such oath shall be subscribed to by the the member making it, certified by the officer before whom it is taken, and immediately filed in the office of the secretary of state;

(4) Each board member shall be entitled to one vote in matters concerning the board. Six votes shall be necessary for a decision at any meeting of said board. In case of a tie vote, the decision shall fail;

(5) The chairman and vice chairman of the board shall be the chairman and vice chairman of the teachers' retirement system board of control. The secretary-treasurer of the teachers' retirement system shall serve as chief executive officer of the public education employees' health insurance plan. In addition thereto, the board may engage such actuarial, administrative, legal, and other special services as shall be deemed necessary to transact the business of the insurance plan. The compensation and expenses for these special services shall be paid at such rates and in such amounts as the board shall approve. All other employees not in these categories of employment shall be employed under the provisions of the merit system act;

(6) The board shall keep in convenient form such data as shall be necessary for actuarial valuation of the funds of the insurance plan and for checking the experience of the plan.

Section 3. The members of the Public Employee's Health Insurance Board and their employees shall not be liable for punitive damages for acts arising out of the good faith performance of their duties in administering the health insurance plan.

Section 4. The health insurance plan provided for in this act shall be designed by the board to provide a reasonable relationship between the hospital, surgical, and medical benefits to be included and the expected hospital, surgical, and medical expenses to be incurred by the affected employee and dependents and to include reasonable controls, which may include deductible and coinsurance provisions applicable to some or all of the benefits; to prevent unnecessary utilization of the various hospital, surgical, and medical services available and to provide reasonable assurance of stability in future years for the plan.

Section 5. (1) The board is hereby empowered and authorized to establish a health insurance plan for employees and, under certain conditions, retired employees and to adopt and promulgate rules and regulations for the administration of such plan subject to such limitations as may be contained in this act. Such plan may provide for group hospitalization, surgical, medical, cancer, cash indem-

nity, and dental insurance against the financial costs of hospitalization, surgical, and medical treatment and care and may also include, among other things, prescribed drugs, medicines, prosthetic appliances, hospital inpatient and outpatient service benefits, and hospital/medical expenses indemnity benefits, including major medical benefits or such other coverage or benefits as may be deemed appropriate and desirable by the board, within the limits of such funds as may be available;

(2) Any member employee or, under certain conditions, retired employee may elect an optional coverage provided by the board which shall include but is not limited to dental, cancer, or indemnity benefits. Such election shall be in accordance with the rules and regulations and at such times as the board shall prescribe. Election of an optional coverage shall be in lieu of coverage under the basic medical plan, provided any individual covered under the basic medical plan may elect an optional coverage upon agreeing to pay the costs of such coverage. Any member employee or retired employee who does not elect an optional coverage shall be deemed as a matter of law to have elected basic medical coverage.

Section 6. Such health insurance shall not include the following:

(1) Expenses incurred by or on account of an individual prior to the effective date of the plan as to him;

(2) Hearing aids and examinations for the prescription or fitting thereof;

(3) Cosmetic surgery or treatment, except to the extent necessary for correction of damage caused by accidental injury while covered by the plan or as a direct result of disease covered by the plan;

(4) Services received in a hospital owned or operated by the United States government for which no charge is made;

(5) Services received for injury or sickness due to war or any act of war, whether declared or undeclared, which war or act of war shall have occurred after the effective date of this plan;

(6) Expenses for which the individual is not required to make payment;

(7) Expenses to the extent of benefits provided under any employer group plan other than this plan in which the state participates in the costs thereof;

(8) Such other expenses as may be excluded by regulations of the board; and

(9) Coordination of benefit of basic hospital/medical coverage

provided herein and any supplemental hospital indemnity, cancer or dental coverage provided herein under the provisions of this act or as may privately be purchased by any employee.

Section 7. (1) The board is hereby authorized to execute a contract or contracts to provide for the benefits or the administration of benefits under the plan of health insurance coverage determined upon in accordance with the provisions of this act. Such contract or contracts may be executed with one or more agencies or corporations licensed to transact group health insurance business in this state. All of the benefits to be provided under this act may be included in one or more similar contracts issued by the same or different companies. The board is further authorized to develop a plan whereby it may become self-insured upon its finding that such arrangement would be financially advantageous to the state and plan participants;

(2) Before entering into any contract authorized by subsection (1) of this section, said board shall invite competitive bids from all qualified insurers who may wish to offer plans for the health insurance coverage or the administrative services desired. The board shall award such contract on a competitive basis as determined by the benefits afforded, the costs to be incurred by both employee and employer, the experience of the offering company or agency in the group health insurance field and its facilities for the handling of claims. In evaluating these factors the board may employ the services of impartial professional insurance analysts or actuaries. The board shall re-evaluate the contract yearly, and re-negotiate on a competitive basis at least every three years.

(3) The board may authorize the carrier with whom the primary contracts are executed to reinsure portions of such contract with other such carriers which elect to be a reinsurer and who are legally qualified to enter into reinsurance agreement under the laws of this state;

(4) Each employee or retired employee who is covered by the plan provided pursuant to this act shall receive evidence of such coverage. In addition, each employee or retired employee shall receive upon request information setting forth the benefits to which the employee or retired employee and his dependents are entitled, to whom such benefits shall be payable, to whom claims shall be submitted, and a summary of the provisions of the plan as they affect the employee and his dependents;

(5) The plan shall require adequate notice in writing to any participant whose claim for benefits under the plan has been denied, setting forth the specific reasons for such denial and shall afford a reasonable opportunity to any participant whose claim for benefits

has been denied for a full and fair review by the claims administrator upon the written request of the participant, within 60 days of the date of denial, setting forth the specific reasons for review. The claims administrator shall provide in writing, within 60 days of the request for review, a final determination of the claim provided that an extension of 60 days may be obtained upon written notification to the participant. Review of a final decision by the claims administrator shall be by the circuit court of Montgomery county as provided for the review of contested cases under the Alabama Administrative Procedures Act, Section 41-22-20, Code of Alabama 1975.

(6) The board may at the end of any contract period discontinue any contract or contracts it has executed with any carrier and replace same with a contract or contracts with any other carrier or carriers meeting the requirements of this act.

Section 8. (1) The public education employees' health insurance board is hereby authorized to provide under the contract, contracts, or other arrangements entered into under the provisions of this act an insurance benefit plan for each covered employee and, under certain condition, retired employees; the cost of such plan may be funded in part or in full through an annual appropriation from the Alabama special educational trust fund in the education appropriation bill and in part from other funds;

(2) On or before January 1 next preceding each regular meeting of the legislature, the board shall certify to the Governor and to the legislature the amount or amounts necessary to fund coverage for benefits authorized by this act for the following fiscal year for employees and for retired employees. Upon receipt of the recommendation from the board, the Governor may include in the education appropriation bill which is submitted to the legislature and the legislature in any subsequent education budget which may be passed by the legislature, an amount or amounts for hospital/medical insurance which, in the judgment of the Governor and/or the legislature may be available for appropriation and which amount or amounts shall not exceed the recommendation of the board. Such annual appropriation from the Alabama special educational trust fund may provide in part or in full for the costs of administration and benefits authorized by this act. The comptroller shall deposit monthly one-twelfth of the annual amounts appropriated by the legislature beginning October 1 next following passage of the appropriation bill, with the state treasurer in the fund created herein.

(3) Any eligible retired employee may elect to participate in the plan authorized by this act provided that such retired employee shall agree to have withheld from each monthly retirement payment an amount equal to the entire cost of such coverage; provided, how-

ever, that such amount withheld shall be reduced to the extent of any amount which is appropriated by the legislature for that purpose. For those retired employees eligible for the federal medicare program the aforesaid amount to be withheld shall be an amount equal to the cost of such insurance benefit plan for coverage of a retired employee eligible to receive benefits under the federal medicare program. For those retired employees not eligible for the federal medicare program such amount to be withheld and coverage provided shall be equal to the cost of such insurance benefit plan for employees.

(4) For any fiscal year in which the Alabama special educational trust fund appropriation for hospital/medical insurance per eligible employee is less than the cost of said coverage per eligible employee, then the difference in cost per eligible employee shall be submitted for each eligible employee by the employing board, institution or agency monthly to the board, the sum of which may be any combination of employee funds collected through monthly payroll deduction and employing board, institution or agency funds; in any fiscal year in which the state appropriation for hospital/medical insurance for retired employees is less than the cost of said coverage, then the difference in cost per eligible retired employee as defined in Section 7(3) shall be withheld from the monthly retirement check of said retired employee.

(5) Each employee and retired employee shall be entitled to have his spouse and dependent children, as defined by the rules and regulations of the board, included in the coverage provided upon agreeing to pay the costs of such coverage for such dependents. The board shall adopt regulations governing the discontinuance and resumption by such employees of coverage for dependents, and in the event of the death of an employee or retired employee, provisions whereby their spouse and dependents may elect to continue that coverage; provided, however, that the spouse and dependents shall pay the full cost of their coverage. During any period in which an employee's or retired employee's dependents are covered under this act, there shall be withheld from the salary payment of such employee or the monthly retirement allowance of such retired employee, the entire premium cost for coverage of such dependents under the terms of any contract, contracts, or arrangement entered into in accordance with the provisions of this act;

(6) There is hereby created in the state treasury a fund to be known as the public education employees' health insurance fund. Such fund shall consist of and there shall be deposited into such fund all appropriations made from the Alabama special educational trust fund, under the provisions of subsection (2) of this section and all premiums paid by employees and retired employees under the

provisions of this section and any other premiums paid under the provisions of this act. The board shall designate a custodian of this fund who shall be authorized to make deposits into and payments therefrom in accordance with contracts entered into by said board; in addition, any income arising from the investment or deposit of the assets of said fund shall accrue solely to the benefit of said fund.

(7) Any state appropriation from the Alabama special educational trust fund for the fiscal year ending September 30, 1984, and for each subsequent fiscal year for hospital/medical insurance for eligible employees as defined under the provisions of this act and in such amounts as to be determined by the legislature and which are made to any institution, board or agency whether heretofore or hereafter made, shall be deposited in the fund created in Section 8(6) and shall be used to fund coverage for the benefits authorized by the provisions of this act. Disbursement of such appropriations shall be in accordance with the provisions of subsection (2) of this section.

(8) Each junior and technical college under the auspices of the state board of education shall deposit monthly in the fund created by this act on account of each employee of each technical and junior college, an amount which shall be equal to the amount appropriated by the legislature per eligible employee in grades K through 12. Such amounts shall be deposited in each year during which the legislature does not appropriate the cost of coverage for such employees in an amount equal to that appropriated per eligible employee in grades K through 12.

Section 9. (1) All employees and, under certain conditions, retired employees as defined in Section 1 of this act at the time of adoption and execution by the board of a contract or other arrangement providing for group health insurance plans and who are eligible for coverage under the provisions of this act and the rules and regulations of the board adopted pursuant thereto shall be included in such coverage and shall have an option as to whether they will subscribe to such coverage for their dependents, such option to be exercised in the manner and within the time limitation prescribed by the board;

(2) All persons who become employees, as defined by the terms of this act and the rules and regulations promulgated by the board pursuant thereto, shall become eligible for membership in the group health insurance plan offered by their employing board and shall have an option as to whether they will subscribe to such coverage for their dependents; provided, that such coverage may be deferred during any reasonable waiting period provided in the contract or contracts.

Section 10. Any benefits payable under the plan adopted

may be paid either directly to the attending physician, hospital, medical group or other furnishing the service upon which the claim is based or to the insured employee upon presentation of valid bills for such services; subject to such provisions designed to facilitate payment as may be made by the board.

Section 11. Any board, agency, organization, or association which participates in the teachers' retirement system of Alabama, but whose employees are not included in the definition of employee in Section 1 of this act may, by resolution legally adopted to conform to rules prescribed by the board and upon a majority vote of its employees, elect to have its employees and under certain conditions its retired employees covered by the provisions of this act, provided such board, agency, organization or association shall contract to pay the full cost of coverage for each such employee in the amounts set forth by the board and as defined in Section 1 for a full-time employee; participation, once elected, is irrevocable. Each retired employee shall be given the option to participate under the provisions of Section 8(3) of this act provided any employer electing to have its employees covered by this section, shall contribute on account of each of its retired employees an amount equal to any amount appropriated by the state to fund benefits for retired employees. The board shall develop rules and regulations governing the operations of this section which shall contain but not be limited to entry and withdrawal from the plan.

Section 12. (1) Any board of education, institution, or other employer with employees as defined by Section 1 of this act, may, upon a majority vote of its employees, elect not to participate in the basic medical plan authorized by the provisions of this act; provided, however, that for any fiscal year ending September 30 the legislature appropriates the full amount certified pursuant to Section 8(2) of this act, the board shall declare the plan of insurance coverage to be fully state-funded whereupon all employees of any board of education, institution, or other employer as defined hereinabove shall for that fiscal year and all subsequent fiscal years be declared members of the public education employees' health insurance plan.

(2) Any employer electing not to participate in the basic medical plan shall certify to the board the names of their employees otherwise electing hospital/medical coverage. The board shall disburse monthly to each employer so electing, the amount appropriated per individual by the legislature so certified in accordance with such rules and regulations as the board shall adopt; such amount shall be used to purchase plan(s) as approved by election of the majority of the participating employees; provided, however, any funds not so used in the fiscal year shall revert to the fund.

(3) Once an employer has elected not to participate in the basic medical plan authorized by this act, such employer may subsequently elect, under such rules and regulations and at such times as the board shall prescribe, to participate in the basic medical plan authorized by this act; participation, once elected, is irrevocable.

Section 13. A legislative advisory committee is hereby created of three members of the house appointed by the speaker of the house and three members of the senate appointed by the lieutenant governor. The function of such committee shall be to advise the board on matters including, but not limited to, cost containment and appropriations. Members of the advisory committee shall be entitled to not more than regular interim committee compensation and shall be paid from funds appropriated to the legislature.

Section 14. All insurance companies presently providing hospital indemnity coverage, cancer insurance and dental coverage as supplemental coverage for the employees of any board of education, institution, or other employer as defined in Section 1 at the time of the effective date of this act shall have access to payroll deduction.

Section 15. The public education employees' health insurance board shall promulgate such rules and regulations as may be required for the effective administration of the provisions of this act.

Section 16. Once the legislature has fully funded the Public Education Employees' Health Insurance Program, the Public Education Employees' Health Insurance Board and the State Employees' Health Insurance Board shall coordinate and equalize benefits so that both groups shall be insured and funded equally.

Section 17. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional such declaration shall not affect any part which remains.

Section 18. All laws or parts of laws which conflict with the provisions of this act are hereby repealed.

Section 19. This act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Passed, the Governor's veto to the contrary notwithstanding, on July 14, 1983

CREATING THE MADISON COUNTY TAX DISTRIBUTION STUDY COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Madison County, a Commission to be known as the Madison County Tax Distribution Study Commission, hereinafter called "the Commission." The Commission shall be composed of a total of nine (9) members, with each member of the Madison County Legislative Delegation making one appointment. The Chairman shall be elected from among its members and shall preside over all meetings. The Commission shall make its own rules for the conduct of business. The initial meeting shall be held at the call of the Chairman. Members of the Commission shall serve without compensation. Administrative and clerical assistance shall be available from the Madison County Legislative Office.

The purpose of the Commission shall be to conduct studies and provide information and recommendations, regarding local sales tax, local beer and alcoholic taxes, money paid by the City of Huntsville utilities in lieu of taxes and other areas as directed by the Madison County Delegation, to the said delegation.

The Commission shall make its recommendations to the Madison County Legislative Delegation by December 1, 1983, at which time it shall be discharged of any further responsibilities or duties.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-457

H.J.R. 257—Reps. Carter, Butler

HOUSE JOINT RESOLUTION

COMMENDING MR. GEORGE ROBERTS, PROMINENT LIMESTONE COUNTY EDUCATOR.

WHEREAS, Mr. George Roberts has announced his retirement as Assistant Superintendent of Education of Limestone County effective June 30, 1983, thus bringing to a close thirty-four years of distinguished service in public education; and

WHEREAS, Mr. Roberts completed studies to become a teacher and school administrator after honorably serving our nation in the armed services during World War II; and

WHEREAS, during Mr. Roberts' two terms as Superintendent

of Limestone County Schools and throughout the succeeding sixteen years as a Central Office staff member, his goal always was the improvement of the school system to the end that our nation's youth be better served; and

WHEREAS, Mr. Roberts' private and public life personifies the highest standards of ethics, and his steadfast loyalty to purpose and strong support to the pedagogical profession being high esteem and respect from his peers and all friends of public education; and

WHEREAS, the community, state, and nation have greatly benefitted from the extraordinary service rendered by Mr. George Roberts and by his wife, Mrs. Betty Roberts, through their combined seventy years of helping the boys and girls of Limestone County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. George Roberts on his distinguished career in public education, and direct that he receive a copy of this resolution tendered in sincere appreciation of his dedicated service and in warmest personal regard.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-458

H.J.R. 261—Reps. Holmes, Wilson,
Langford, Starr,
Thomas, McKee

HOUSE JOINT RESOLUTION

COMMENDING THE G. W. CARVER HIGH SCHOOL WOLVERINES.

WHEREAS, the G. W. Carver High School Wolverines' basketball team won the Alabama High School Athletic Association 4-A State Basketball Championship for 1982-83; and

WHEREAS, the Carver Wolverines were ranked #1 in the State of Alabama by the Associated Press Polls for six weeks longer than any other 4-A high school basketball team for 1982-83; and

WHEREAS, the G. W. Carver High School Basketball team's 31-3 season record was the best of any 4-A team in the State; and

WHEREAS, Carver High School was the first 4-A team from Montgomery to win the basketball championship since 1967; and

WHEREAS, the G. W. Carver Wolverines and their coaches

and student body are due much credit, not only for their great skills and sportsmanship, but also for their fine school spirit and will to win which are necessary for a winning team; and

WHEREAS, the G. W. Carver Wolverines have brought great recognition to this district of the State of Alabama and its citizens; and

WHEREAS, members of the Carver Championship Team are: Andre Bruce, Kent Crenshaw, Willie Davis, Dwayne Gunter, Terrence Jackson, Joey Reasor, Kenneth Sanders, Clifford Wright, Tim Lover, Greg Payne, Francis Johnson and Marshall Johnson; their Head Coach is Dan Lewis and serving as Assistant Coach is James Sides; the Athletic Director is John Fulgham and the Principal is Mr. Dwight Madison; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Montgomery's G. W. Carver High School Wolverines on their 1983 State 4-A Basketball Championship, and direct that copies of this resolution be sent to Coach Lewis, on behalf of the staff and team, with a copy also provided for appropriate school display.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-459

H.J.R. 262—Reps. Rogers, Davis

HOUSE JOINT RESOLUTION

COMMENDING THE ULLMAN HIGH SCHOOL CLASSES OF 1958, 1959, 1960 and 1961, ON THE OCCASION OF THEIR REUNION.

WHEREAS, the Alabama Legislature notes with pride the many worthwhile achievements of the members of the Ullman High School Classes of 1958, 1959, 1960 and 1961; and

WHEREAS, regrettably, several members of the classes are deceased but have left continued love and cherished memories in the hearts of their friends and loved ones; and

WHEREAS, may the members of the 1958, 1959, 1960 and 1961 Classes of Ullman High School resolve to cherish the memories of this, the occasion of their reunion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in commenda-

tion we congratulate each member of the classes of 1958, 1959, 1960 and 1961, and express our gratitude for their accomplishments and contributions of note.

BE IT FURTHER RESOLVED, That the class members go forth from this reunion cherishing the memories of this reunion, returning to their daily tasks realizing that every day is a first beginning.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-460

H.J.R. 263—Reps. Rogers, Davis, Horn

HOUSE JOINT RESOLUTION

IN REMEMBRANCE OF THE LATE DR. GEORGE C. BELL.

WHEREAS, Dr. George C. Bell very ably served as principal of Ullman High School for many years; and

WHEREAS, at the 1983 Reunion of the classes of 1958, 1959, 1960 and 1961 of Ullman High School, it is most appropriate that this principal who was instrumental in shaping many young lives be remembered; and

WHEREAS, this Reunion has affectionately been dedicated to the memory of the late Dr. George C. Bell who was a pillar of strength to his students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we remember Dr. George C. Bell, a man with a purpose and a man who cared.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-461

H.J.R. 264—Reps. Lewis, Biddle, Payne,
Layton, Seibels, Howard,
Boles, Trammell, Bennett,
Tucker, Moore, Waggoner,
Wright, Murphy, Rogers,
Davis, Escott, Horn, Scott

HOUSE JOINT RESOLUTION

COMMENDING DR. CHARLES L. PAYNE FOR BEING SELECTED "OUTSTANDING ADMINISTRATOR OF THE YEAR" FOR 1982-83.

WHEREAS, the Alabama Legislature notes that Dr. Charles L. Payne, President of Bessemer State Technical College and outstanding educator, recently was given the distinctive honor of being named "Outstanding Administrator of the Year," 1982-83; and

WHEREAS, this coveted honor is bestowed annually on those who are eminent in their field by the Alabama Association of College Administrators; the Alabama Association of Women Deans, Administrators, and Counselors; the Alabama Association of Colleges and Universities; and the Alabama Association of University Administrators; and

WHEREAS, Dr. Payne has earned the recognition of his peers for his acumen in administration and incisive mind, serving as a member of the board of trustees and President of the Southern Association of Colleges and Schools during 1982, during which time he initiated an extensive review of the association and established a committee to formulate long-range plans for the association which serves public and private educational institutions in eleven Sun Belt States; and

WHEREAS, Dr. Charles L. Payne is a member of the Alabama State Advisory Council on Community Education, the Southern Regional Task Force on High Technology, and a legislative committee assessing educational needs in high technology; he is president of the Bessemer-West Jefferson County Chamber of Commerce, first vice president of the Alabama Vocational Association, and chairman of the Alabama State Skills Olympics of the Vocational Industrial Clubs of America, and a member of numerous other civic, educational, charitable and religious organizations; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do send our congratulations to Dr. Charles Payne for his latest achievements in the field of education and particularly on receiving the "Outstanding Administrator of the Year," 1982-83, honor.

BE IT RESOLVED FURTHER, That Dr. Charles L. Payne, one of our most eminent and effective educators and college presidents, receive a copy of this resolution so that he may know of our deep admiration and esteem.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-462

H.J.R. 266—Reps. Kennedy, Clark, Buskey

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. JULIAN W. HALL OF MOBILE, ALABAMA.

WHEREAS, it is in deep sadness and regret that the Alabama Legislature notes the death of Mr. Julian W. Hall of Mobile, Alabama, on May 8, 1983; and

WHEREAS, Mr. Hall, who was a native and lifelong resident of Mobile, was a retired employee of the United States Postal Service whose tenure of some 39 years was distinguished in its dedication, and in accomplishment as well; and

WHEREAS, Mr. Hall was an active member of both the Comrades Social Club and the Mobile Mardi Gras Association, and he was the recipient in 1973 of the M. O. Beale Scroll of Merit; and

WHEREAS, sorely bereft in grief are Mr. Hall's four devoted daughters, three loving sons, fourteen grandchildren, one great grandchild and numerous other relatives and friends whose unrelenting sorrow we truly share; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Julian W. Hall of Mobile, Alabama, and extend our very deepest sympathy to all his family and many friends, to whom a copy of this resolution shall be sent in expression of our concern for them in their time of such great sorrow.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-463

H.J.R. 267—Reps. Venable, Grouby

HOUSE JOINT RESOLUTION

CONGRATULATING STATE 2A BASEBALL CHAMPIONS, THE HOLTVILLE HIGH SCHOOL BULLDOGS.

WHEREAS, the Alabama Legislature extends heartiest congratulations to the Holtville High School Bulldogs who made it two in a row with their capture of the 1983 State 2A Baseball Championship; and

WHEREAS, under Head Coach Steve McCord and Assistant Coach Carl Stewart, the Bulldogs displayed their mettle with come-

back victories in the play off, following a regular season pattern of fighting the odds to win in true championship spirit; and

WHEREAS, the Bulldogs are indeed deserving of utmost praise, not only for the rare success of back-to-back State titles but for the necessary self-discipline and determination displayed by the team as they aimed for the summit and never once lost sight of their goal throughout the entire season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express highest commendation of the Holtville High School State 2A Baseball Champions; we further join the community of Holtville in celebrating the team's second consecutive title and direct that a copy of this resolution be sent to Coach McCord on behalf of the team with a copy also provided for appropriate school display.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-464

H.J.R. 268—Reps. Hettinger, Brooks,
Butler, Hall, Freeman,
Albright

HOUSE JOINT RESOLUTION

COMMENDING THE MEMBERS OF THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION.

WHEREAS, pursuant to Act No. 83-17, House Joint Resolution 24, a salary commission was formed in Madison County for the purpose of conducting an in-depth study and evaluation of the salary structure of the elected officials in said county; and

WHEREAS, those members of the salary commission who gave unselfishly of their time, talents and knowledgeability are: Chairmen Sidney P. Saucier and Larry Anderson; Secretary Tommy Battle; and members Bill Collins, Jerry Craig, Rod Duke, Dr. Johnny Harris, Billy Jo Osmer and Graham Shovelton; and

WHEREAS, upon completion of the study, the committee's in-depth evaluation of the Madison County elected officials salary structure provided invaluable information, from independent and expert sources, to the Legislature and to the Madison County Legislative Delegation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in praise and

appreciation of their diligence and outstanding public service, we hereby most highly commend all members of the Madison County Elected Officials Salary Commission.

BE IT FURTHER RESOLVED, That each of the above-named, involved citizens of Madison County receive a copy of this resolution that they may know of our gratitude and of our praise for the outstanding result of their labors.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-465

H.J.R. 269—Reps. Smith, Moore, Holley

HOUSE JOINT RESOLUTION

COMMENDING DR. JAMES F. VICKREY, PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

WHEREAS, the Alabama Legislature notes that Dr. James F. Vickrey, Jr., President of the University of Montevallo and a catalyst among academicians, was honored recently as "Outstanding Administrator of the Year" for 1982-83, bestowed by the Alabama Association of College Administrators, the Alabama Association of Women Deans, Administrators and Counselors, the Alabama Association of Colleges and Universities and the Alabama Association of University Administrators; and

WHEREAS, the Alabama Legislature notes that this prestigious honor has been well placed in Dr. Vickrey; and

WHEREAS, Dr. Vickrey has earned many accolades for his administrative acumen and his innovative leadership as President of the University of Montevallo since 1977; and

WHEREAS, Dr. Vickrey was one of the founders and former president of Alabama Association of Colleges and Universities and recently was the recipient of the "John Buchanan Award" for his contribution to student financial aid in Alabama; and

WHEREAS, Dr. Vickrey has given generously of his time and talents for the improvement of higher education throughout the state; and

WHEREAS, Dr. James F. Vickrey, Jr., is a member of the Speech Communication Association, the Council for the Advancement and Support of Education, serving as a member of the national government relations committee; the American Association of State Colleges and Universities, where he served as a member of the

policies and purposes committee; the American Council of Education, where he served as a charter member of the self-regulation committee; the American Association of University Administrators; and the President's Council of the National Association of Intercollegiate Athletics; and

WHEREAS, he helped to found and served as president of the Alabama Association of Colleges and Universities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most highly commend Dr. James F. Vickrey, Jr., as one of our state's most outstanding educators and particularly for this latest honor of "Outstanding Administrator of the Year," 1982-83.

BE IT FURTHER RESOLVED, That Dr. James F. Vickrey, Jr., receive a copy of this resolution so that he may know of our esteem and admiration.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-466

H.J.R. 289—Reps. Rogers, Davis, Horn,
Escott

HOUSE JOINT RESOLUTION

COMMENDING AND SALUTING T. R. DUNN.

WHEREAS, T. R. Dunn, a native of the West End Community, has distinguished himself as a professional basketball player with the Portland Trailblazers and the Denver Nuggets; and

WHEREAS, T. R. Dunn has consistently demonstrated good character on and off the basketball court, thereby reflecting honor upon himself and upon his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby declare and acknowledge June 24, 1983, as "T. R. Dunn Day" and extend to Mr. Dunn our heartfelt thanks for the fame and honor he has brought to his native state through his most noteworthy accomplishments.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to T. R. Dunn in expression of our appreciation.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-467

H.J.R. 291—Reps. Mitchell, Melton,
Johnson (Roy), Poole,
Owens

HOUSE JOINT RESOLUTION

COMMENDING MISS DONNA JEAN THORNTON OF NORTHPORT, ALABAMA, MISS WHEELCHAIR ALABAMA, 1983-1984.

WHEREAS, the Alabama Legislature notes with utmost commendation the selection of Miss Donna Jean Thornton of Northport, Alabama, as Miss Wheelchair Alabama for 1983-1984; and

WHEREAS, Miss Thornton, a quadraplegic as the result of a 1981 accident, was selected on June 4, 1983, from a field of 15 contestants during the 10th annual pageant held in Huntsville, Alabama; and

WHEREAS, in recognition of Miss Thornton's personal accomplishments, despite her quadraplegia, it is to be noted that she is a volunteer worker at Druid City Hospital, where she is involved with the Stroke Self-Help Group and she also works with United Cerebral Palsy in planning recreational programs; and

WHEREAS, our new Miss Wheelchair Alabama is a 23-year-old student at Shelton State Junior College, majoring in recreational therapy, and she is the daughter of Mrs. Jean L. Thornton and the late Lynnwood E. Thornton; and

WHEREAS, during the summer months, Miss Thornton will travel throughout Alabama speaking to various organizations in support of the handicapped and describing the many different types of handicapped individuals who have useful talents to offer; in early August, she will represent the State of Alabama in the National Miss Wheelchair Pageant in Salt Lake City, Utah; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Miss Donna Jean Thornton of Northport, Alabama, for outstanding accomplishment; we further congratulate her as Miss Wheelchair Alabama, 1983-1984, and direct that she receive a copy of this resolution in small token of our esteem, in admiration of her courage, and in expression of our sincere best wishes for every future success.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-468

H.J.R. 296—Reps. Holmes, Johnson (Roy),
Langford, White (F),
Kennedy, Brakefield, Bryant,
Cosby, Davis, Goodwin, Hall,
Horn, Howard, Junkins,
Kvalheim, Lauderdale,
Melton, Nevett, Newman,
Poole, Preuitt, Rains, Reed,
Rogers, Scott, Starkey,
Thomas, Thornton, Tucker

HOUSE JOINT RESOLUTION

HONORING DR. E. D. NIXON OF MONTGOMERY, ALABAMA.

WHEREAS, it is with highest commendation and regard that the Alabama Legislature notes the singular achievement of Dr. E. D. Nixon whose active and influential leadership in the social, economic and civic life of Black people in Montgomery, Alabama, spread to include and to result in the significant accomplishments that are today nationwide; and

WHEREAS, Edgar Daniel Nixon was born in July 1899 to Wesley and Susie Ann Cheppel and though his formal education in the Montgomery Public School System lasted a mere 16 months, he is indeed a learned man who has greatly and positively influenced the lives of all Black Americans; and

WHEREAS, Dr. Nixon's first effectiveness on behalf of Blacks was through his employment, beginning in the late 1930's, as a sleeping car porter and through his instrumental role in the organization of the local chapter of the Brotherhood of Sleeping Car Porters; as president of the local chapter from 1938 to 1964, he worked diligently to achieve fair employment practices and station accommodations for Black train passengers; and

WHEREAS, additional accomplishments in behalf of Blacks, and solely attributable to Dr. Nixon, are multiple in number and include such areas as USO Clubs for Black military personnel, organization of the Voters League, NAACP activities including terms as both local and state president, and the Progressive Democratic Association which heralded the employment of Blacks as law enforcement officers; and

WHEREAS, it must be noted that Dr. Nixon's most significant endeavors were those related to the Montgomery Bus Boycott and the organization and founding of the Montgomery Improvement As-

sociation; the far-reaching results of these two efforts are historical in consequence and primarily to the credit of Edgar Daniel Nixon, whose greatness was in his humility as others sought and took the limelight of his accomplishments; and

WHEREAS, Dr. Nixon, however, has quietly amassed over 200 awards and certificates of merit from public and private organizations throughout the country and since 1980, the "E. D. Nixon Collection" of papers, books, trophies, plaques, photographs and other memorabilia have become a permanent part of the Alabama State University Archives and he holds the University's Honorary Degree of Doctor of Law; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we today note with highest honor and regard the outstanding accomplishments of Dr. Edgar Daniel Nixon of Montgomery, Alabama, to whom our nation owes a debt of gratitude and public recognition for achievement extraordinaire, on behalf of the Black citizens of America.

BE IT FURTHER RESOLVED, That Dr. Nixon be presented with a copy of this resolution, tendered in deep appreciation and utmost esteem, and that a copy also be provided for display in the "E. D. Nixon Collection" at Alabama State University.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-469

H.J.R. 297—Rep. White (F)

HOUSE JOINT RESOLUTION

COMMENDING THE CHUCK WAGON GANG AND DESIGNATING THEM ALABAMA'S HONORARY "MINISTERS OF MUSIC."

WHEREAS, the Chuck Wagon Gang, whose gospel songs are the "old favorites" which have stood the test of time, was formed in the mid-thirties by D. P. "Dad" Carter and the three oldest of his nine children; and

WHEREAS, today, some 50 years later, the Chuck Wagon Gang is still in the Carter family and their internationally famous, old-fashioned singing has made the group a living legend; and

WHEREAS, the group's recordings have sold millions of albums and singles throughout the world and, on concert tour, their songs never fail to lift the spirits of their audiences; and

WHEREAS, the Chuck Wagon Gang has made numerous appearances in the State of Alabama, most recently in Pollard on June 12, 1983, delivering the Gospel in song and providing inspiration in the lives and hearts of the citizens of this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of their status as "Old Masters" of Gospel music and in appreciation of their appearances throughout our state, presenting the world's greatest story in sacred song, we hereby designate the Chuck Wagon Gang as Alabama's Honorary Ministers of Music.

BE IT FURTHER RESOLVED, That the Chuck Wagon Gang receive a copy of this resolution in small token of our regard and as a memento of this designation in their honor.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-470

H.J.R. 298—Reps. Goodwin, Ashley,
Starkey, Coburn

HOUSE JOINT RESOLUTION

COMMENDING MISS PAM BATTLES OF MUSCLE SHOALS, MISS ALABAMA FOR 1983.

WHEREAS, it is with utmost pleasure that the Alabama Legislature congratulates Miss Pam Battles of Muscle Shoals upon her selection as Miss Alabama, 1983; and

WHEREAS, the lovely and talented Miss Battles, daughter of Mr. and Mrs. Clifford Battles, is a 21 year-old honor student and senior at the University of North Alabama, majoring in music and mathematics; and

WHEREAS, as first runner-up in last year's competition and successful in her quest for the '83 Crown, Miss Battles is the 4th UNA coed to be named Miss Alabama; her numerous other titles and accomplishments include Miss UNA, Miss Homecoming and Golden Girl hostess, as well as Miss Dixie, her title as a contestant in this year's pageant; and

WHEREAS, Miss Battles, who is as talented as she is beautiful, is an accomplished pianist and vocalist; her talent presentation was a vocal rendition of "Don't Rain on My Parade" from the Broadway musical "Funny Girl," and she plans to both sing and play the piano in the Miss America Pageant in September 1983; and

WHEREAS, Miss Alabama, a pianist with the UNA Collegiate Singers, has been playing piano for 17 years and is a part-time music director at two North Alabama churches; she also enjoys sewing and working as a fashion model as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most proudly commend Miss Pam Battles of Muscle Shoals and the University of North Alabama as our new Miss Alabama and our State's representative to the forthcoming Miss America Pageant.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Miss Battles that she may be aware of our sincere praise and regard, and of our warm best wishes for every future success.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-471

H.J.R. 299—Rep. Parker

HOUSE JOINT RESOLUTION

COMMENDING MRS. BERTHA BERRY, NEWLY ELECTED STATE PRESIDENT OF THE ALABAMA JAYCEETTES.

WHEREAS, it is with heartiest congratulations that the Alabama Legislature notes the election on May 28, 1983, of Mrs. Bertha Berry of Hartselle, Alabama, as president of the Alabama Jayceettes; and

WHEREAS, Mrs. Berry's election was held during the state Jaycee-Jayceette Convention in Huntsville, which was attended by some 800 members from throughout Alabama; and

WHEREAS, Mrs. Berry's previous tenure as state individual development vice president marked the first Jayceette statewide office to be held by a black, and she also is the first black ever to serve as the organization's president; and

WHEREAS, Mrs. Berry and her husband, Joe, have both been singularly active in the Jaycee-Jayceettes and, during convention ceremonies, were awarded life memberships for such outstanding service; and

WHEREAS, Mrs. Berry anticipates traveling thousands of miles statewide during her tenure as president, perhaps even doubling the 24,000 miles she traveled this past year in connection with

her former official duties; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Bertha Berry for outstanding service to the Alabama Jayceettes; we further congratulate her as the organization's new State President and direct that she receive a copy of this resolution in expression of our regard and in admiration of her accomplishments.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-472

H.J.R. 300—Rep. Turnham

HOUSE JOINT RESOLUTION

COMMENDING ALABAMA'S ADULT EDUCATORS.

WHEREAS, the Alabama Adult Education Program, a division of the Alabama Department of Education, is charged with the responsibility of expanding educational opportunities for all Alabama Adults, that those who so desire may acquire basic skills, continue their education to the level of completion of secondary school, and/or to secure training that will enable them to become more informed citizens and more employable in the labor market; and

WHEREAS, as a result of Alabama's Adult Basic Education Program, numerous of our State's undereducated are now productive citizens who no longer require welfare assistance; many have received better paying jobs, promotions or raises; and there are those also who now have passed the GED examination, while still others have become literate through enrollment in this outstanding program; and

WHEREAS, it is to be further noted that Alabama's adult educators will host the Southeastern Regional Adult Education Conference in August 1983 in Birmingham, Alabama; eleven Southeastern States will participate in the conference with approximately 1,000 attending the organization's 7th annual meeting; and

WHEREAS, the Alabama Legislature is pleased to welcome to our State the Southeastern adult educators whom we enthusiastically applaud in appreciation of their accomplishments on behalf of undereducated adults, as well as those who are handicapped and others who seek to become better informed and employable; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Alabama's adult educators; we further welcome the Southeastern Regional Adult Education Conference to our State and direct that our host educators receive a copy of this resolution in small token of our warm praise and regard.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-473

H.J.R. 301—Reps. Gaston, Kvalheim

HOUSE JOINT RESOLUTION

COMMENDING STEVE KITTRELL FOR ACCOMPLISHMENTS IN THE FIELD OF ATHLETICS.

WHEREAS, Steve Kittrell was named District 30 N.A.I.A. Coach of the Year in 1983; and

WHEREAS, he was also named N.A.I.A. Area Tournament Coach of the Year in 1983; and

WHEREAS, Steve Kittrell was named the 1983 Gulf Coast Athletic Conference Coach of the Year; and

WHEREAS, he received a B.S. degree at the University of South Alabama where he played baseball and had a batting average of .368, which is the record for the highest batting average at said University; and

WHEREAS, in recognition of his athletic contributions, the Steve Kittrell Award was established which first such award was presented to Steve Kittrell by the USA Letterman Club for the athlete most inspirational to other athletes at the University of South Alabama; and

WHEREAS, he distinguished himself in the coaching profession while serving as head baseball coach at Niceville High School, U.M.S. Preparatory School and Enterprise State Junior College during the years 1974 to 1983, by compiling a 215-107 won-loss record; and

WHEREAS, he coached U.M.S. to their first state baseball championship and was named Coach of the Year in 1978; and

WHEREAS, at Enterprise State Junior College, Steve Kittrell was named Southeast Division of Alabama Junior Colleges, Coach of the Year in 1980; and

WHEREAS, in 1980, he also received the President's Award by the President of Enterprise State Junior College for outstanding achievements and accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does hereby recognize and commend Steve Kittrell for his outstanding athletic and coaching accomplishments.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Steve Kittrell, his wife, Carol Nichols Kittrell, and to their children, Stacey Lynn and Scott Steven, in appreciation for his contribution to baseball and his field of athletics in the State of Alabama.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-474

H.J.R. 302—Reps. Kennedy, Holmes,
Howard, Clark, Thomas,
Bryant, Tucker,
Langford, Thornton,
Davis, Rogers, Nevett,
Reed, Buskey, Melton,
Horn, Escott

HOUSE JOINT RESOLUTION

COMMENDING MISS EMMA ALLEN FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE BLACK CAUCUS.

WHEREAS, for the past two years, Miss Emma Allen has been associated with the Southern Legislative Research Council; and

WHEREAS, as an intern with the Council, Miss Allen has been charged with responsibilities to monitor committees, subcommittee and floor deliberations; review Legislative proposals of state government departments; review first readings and develop analyses of pending legislation, or proposals, in specified issue areas; and to assist in the preparation of a weekly Legislative Bulletin; and

WHEREAS, during the past two years, Miss Allen has further been of inordinate assistance to the Alabama Legislative Black Caucus and it is with regret that we note her forthcoming departure; and

WHEREAS, she will be leaving, however, to accept a responsi-

ble position as coordinator of the Work Incentive Program in Decatur, Alabama, and to implement its program which is designed to aid welfare recipients in gaining employment skills and training to eventually enter the job market in either the public or private sector; and

WHEREAS, Miss Allen, who is a member of the Alabama Democratic Conference, Young Democrats of Alabama and the Alabama A & M Alumni Association, is a graduate of Alabama A & M University with a B.S. Degree, and of the University of Alabama where she earned the B.A. and M.A. Degrees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Miss Emma Allen and express our deep appreciation, as well, for her assistance to the Alabama Legislature Black Caucus.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Miss Allen that she and her parents, Mr. and Mrs. George W. Allen, may know of our sincere regard and warm best wishes for her every future success.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-475

H. 45—Rep. Turner

AN ACT

Relating to Mobile County; further providing for the distribution and transfer to the General Fund of Mobile County of certain license taxes collected and distributed in accordance with Act No. 162, Acts of Alabama 1963 and Act No. 82-344, Acts of Alabama 1982, which funds are to be designated for the provision of medical care to the medically indigent citizens of Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in Mobile County and except as in this Act as otherwise provided, shall not have the effect of altering or repealing in any wise any statute now in effect, but shall be in addition to and cumulative of all laws now in effect.

Section 2. The amount of license taxes paid into and collected by the License Commissioner of Mobile County pursuant to Act No. 162, Acts of Alabama 1963 and Act No. 82-344, Acts of Alabama 1982, and for which there is no present legislative authority to distribute such taxes, as the containers of malt or brewed beverages to which the decals are affixed, have neither been sold nor distrib-

uted in the area of the respective tax recipient, for whatever reason, shall be distributed to the General Fund of Mobile County, solely for the purpose of and to be designated solely for the provision of medical care to the medically indigent citizens of Mobile County.

Section 3. Notwithstanding any matter contained herein to the contrary, this Act shall not in any way amend, alter or effect the distribution of the net proceeds of the license tax collections for malt or brewed beverages as set forth in Act No. 162, Acts of Alabama 1963, and Act No. 82-344, Acts of Alabama 1982.

Section 4. It is the intention of the Legislature that should any section, sub-section, provision, clause or sentence of this Act or the application thereof to any person or sets of circumstances be held invalid or inoperative the remainder of the Act, outside the portion so held invalid, shall be and remain valid legislation.

Section 5. This Act shall be effective on the day after its passage and approval by the Governor or its otherwise becoming a law.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-476

H. 350—Reps. Horn, Davis, Rogers

AN ACT

To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-52-3 of the Code of Alabama 1975 is hereby amended to read as follows:

(a) The commission shall consist of nine members: The mayor, one of the administrative officials of the municipality selected by the mayor, a member of the council to be selected by it as a member ex officio and six persons who shall be appointed by the mayor, if the mayor is an elective officer, otherwise by such officer as the council may in the ordinance creating the commission designate as the appointing power; provided, that in any Class I municipality, the commission shall consist of 16 members: The mayor, one of the administrative officials of the municipality selected by the mayor, two members of the council to be selected by it as members ex officio and 12 persons who shall be selected by the council.

In addition to regular members, the mayor and each of said council members of Class I municipalities serving on such commission may each appoint, from the administrative staff of the mayor and council exclusively, a supernumerary member who shall be authorized to be counted for the purpose of determining a quorum, and, while serving, to act with all of the power and authority of a regular member whenever such municipal official is not personally in attendance.

In addition to the regular members, in all cities having populations of not less than 175,000 nor more than 275,000, two supernumerary members shall be appointed to serve on such board at the call of the chairman only in the absence of regular members, and while so serving, they shall have and exercise the power and authority of regular members.

Section 2. This Act shall become effective upon its passage and approval of the Governor or upon its otherwise becoming a law.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-477

H. 521—Reps. Coleman, Rains

AN ACT

To provide for changing the place of trial after selection of the jury in either criminal or civil cases in the circuit court of Marshall County from one courthouse to another; further to provide for, regulate and clarify venue between the two divisions of said court; further to provide for the summoning and service of grand and petit jurors in the two divisions of said court; to provide that the district court serving Marshall County or any similar court shall have the same geographical divisions and jurisdiction as the circuit court and that all provisions relating to venue between the two divisions of the circuit court of Marshall County shall apply to such court; and to repeal and supersede existing laws in conflict with this act.

Be It Enacted by the Legislature of Alabama:

Section 1. At any time after the selection of a jury in any civil or criminal case at either courthouse in Marshall County, the judge presiding in such case, if the courtroom where the jury was selected is needed for other judicial proceedings, may transfer the trial of such case to any courtroom in either courthouse in Marshall County; but, the records in said case shall be maintained in the division where said case originated. Any party in such case may require the court to make a determination of such need, of record, and may offer evidence on the issue of such need.

Section 2. By agreement of the parties, any pending proceeding, civil or criminal, may be conducted in any courtroom at either

courthouse in Marshall County, and such agreement is implied in the absence of any objection, but the records in such case shall be kept and maintained in the division where such matter originated. A civil or criminal case filed in the wrong division of the court shall not be dismissed, but shall be transferred to the division of the court where it should have been filed; and venue as between the two divisions of the circuit court of Marshall County is waived in both civil or criminal cases if request to transfer is not made before trial is commenced or default taken, and all proceedings before request for transfer are valid.

Section 3. All juries serving at either division of the circuit court of Marshall County shall be summoned from Marshall County at large, in such numbers as may be necessary, to attend at either division of the court as may be necessary to conduct the business of the court. Grand juries shall normally be summoned to and organized in the Guntersville division of the court; but, for good and sufficient reason, a grand jury may be organized in the Albertville division of the court and the place of any meeting of the grand jury may be changed by the judge who organized said grand jury or the grand jury, itself, may change its meeting place during any session from one courthouse to another.

Section 4. The geographical division of the Guntersville and Albertville divisions of the circuit court of Marshall County shall remain unchanged and the district court serving Marshall County, or any similar court having county-wide jurisdiction, shall have the same geographical divisions as does the circuit court of Marshall County; all provisions of law as to venue in the circuit court of Marshall County shall apply to the said district court or any similar court serving Marshall County.

Section 5. All laws or parts of laws, general or local, concerning the circuit court of Marshall County in conflict with this act are repealed and superseded by this act.

Section 6. This act shall become effective immediately upon its approval by the Governor or upon it otherwise becoming a law.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-478

H. 635—Rep. Turner

AN ACT

To authorize and empower the Mobile County Commission to grade all county dirt surfaced roads traveled by rural mail carrier for the United States Post Office

Department provided that the land owners along such roads are willing to donate to the county the rights-of-way necessary for such grading projects.

Be It Enacted by the Legislature of Alabama:

Section 1. The Mobile County Commission is hereby empowered to grade, as it deems necessary, those county dirt surfaced roads traveled by rural mail carriers for the United States Post Office Department provided that the land owners along such roads are willing to donate to the county the rights-of-way which the county engineer deems necessary for such grading projects.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-479

H. 636—Rep. Turner

AN ACT

To authorize the Circuit Judge assigned to the Department of Investigation and Recovery of the Thirteenth Judicial Circuit, Mobile County, to select and appoint an Administrative Secretary, to provide for the salary of such Administrative Secretary, and the method of payment of such Administrative Secretary.

Be It Enacted by the Legislature of Alabama:

Section 1. The Circuit Judge assigned to the Department of Investigation and Recovery of the Thirteenth Judicial Circuit may appoint a qualified person to serve as an Administrative Secretary in the said Department of Investigation and Recovery, provided that any such person employed under the terms of this Act shall serve at the pleasure of the said Circuit Judge and it shall be at the discretion of the said Circuit Judge as to whether such Administrative Secretary shall be included in any civil service or merit system which may exist in Mobile County, provided that the salary of such secretary not be less than the salary paid for a comparable position under any such civil service or merit system. The salary shall be payable in equal monthly installments upon warrants drawn in the same manner prescribed for payment of compensation of County

employees.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-480

H. 669—Rep. Minus

AN ACT

Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violation.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall only apply to Sumter County, Alabama.

Section 2. Any person or party who stores, deposits or dumps any hazardous waste or non hazardous waste at Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama, shall pay two dollars (\$2.00) per drum or five dollars (\$5.00) per ton bulk weight. It is the intent of this law to cover only material that is buried permanently at site. It shall exclude any material which is incinerated, recycled, or processed for other use.

Section 3. When Chemical Waste Management, Inc., accepts hazardous or non hazardous waste, it shall collect the fee referred to in the preceding section. Chemical Waste Management, Inc., shall remit to the Sumter County General Fund, no later than the thirtieth day of the following month, the previous month's collections.

Section 4. The net revenue generated by such fees shall be disbursed by Sumter County no later than the fifteenth day of each month as follows:

(A) One Hundred Thousand Dollars (\$100,000.00) to the Department of Environmental Management annually, in monthly increments, for continuous monitoring of transporting of hazardous wastes in Sumter County and for handling and burial of such wastes

at the Emelle site.

(B) One Hundred Fifty Thousand Dollars (\$150,000.00) to the Sumter County Industrial Board annually, in monthly increments, for the retirement of any Bonded Indebtedness incurred for industrial development in Sumter County; and for other uses necessary in operating said board.

(C) The Sumter County Board of Commissioners shall disburse the remaining funds as follows:

One Hundred Thousand Dollars (\$100,000.00) to be divided as follows: Twenty-five Thousand Dollars (\$25,000.00) to Livingston University Booster Club; Fifty-five Thousand Dollars (\$55,000.00) to the Coleman Culture Center in York, Alabama; Twenty Thousand Dollars (\$20,000.00) to the Ruby Pickens Tartt Public Library in Livingston, Alabama. These are one-time appropriations only. The Sumter County Board of Commissioners shall pay said amount on a monthly basis based on twelve months.

Thereafter, the Sumter County Board of Commissioners shall disburse the balance of all funds received hereunder as follows:

2% to the North Sumter County Development Authority created pursuant to this bill; 10% to the Sumter County Water Authority; 5% to the Sumter County Health Department (this 5% is intended to be in addition to the current appropriations made to said Department by the County Commissioners); 1% to the Sumter County Fine Arts Council; 1% to the Sumter County Soil and Water Conservation District; 10% to the city of Livingston; 10% to the city of York; 2% to the town of Epes; 2% to the town of Gainesville; 2% to the town of Cuba; 2% to the town of Emelle; 2% to the town of Geiger; 1% to the Sumter County Library System; 1% to West Alabama Mental Health; $\frac{1}{2}$ of 1% to the Coleman Culture Center; $\frac{1}{2}$ of 1% to Ruby Pickens Tartt Library; 1% to Sumter County Historical and Preservation Society; 1% Rescue Squad; 17% Sumter County Board of Education. If at any time there is any increase of local taxes for public education in Sumter County, this 17% shall be discontinued and prorated among the other agencies in this Act. 11% to Livingston University General Fund; 18% to Sumter County General Fund of which 1% shall be earmarked for fire protection of forest lands; 2% shall be earmarked for the implementation and personnel necessary for implementation of the automation of the county records in the Tax Collector's, Tax Assessor's and Probate Judge's offices; 1% to be earmarked for the Sumter County Park and Recreation Board; and 1% shall be earmarked for the Sumter County Sheriff's Department for the purpose of buying vehicles.

Section 5. (a) The purpose of this section is to establish the

procedure for the creation of the North Sumter County Development Authority.

(b) When used in this section, the following words and phrases shall have the following meanings, respectively, unless the content clearly indicates otherwise:

1. **AUTHORITY.** The corporation created pursuant to this section.

2. **MUNICIPALITY.** Any city or town incorporated under the laws of the State of Alabama and the inhabitants of an unincorporated community, who shall become incorporated pursuant to the provisions of Title 2, Chapter 41, Code of Alabama 1975, lying within the territory.

3. **TERRITORY.** The geographical area in North Sumter County, Alabama, which is described more particularly hereinafter.

4. **DISTRICT.** One of the seven (7) geographical areas within the territory which are named after the major municipality or major community situated within the district, which areas are described more particularly hereinafter.

5. **BOARD.** The board of directors of the authority.

6. **DIRECTOR.** A member of the board of directors.

7. **LEGISLATIVE DELEGATION.** All members of the House of Representatives and the Senate of the State of Alabama who serve all or any part of Sumter County, Alabama.

8. **PUBLIC WORKS.** Works or improvements for public use, protection or enjoyment, including, but not limited to, sewerage, parks, recreation, highways, bridges, water, gas, utilities, fire protection and garbage disposal, including services and facilities pertaining thereto.

9. **PROPERTY.** Real and personal property and interests therein.

10. **THE STATE.** The State of Alabama.

(c) The territory forming the North Sumter County Development Authority shall be a geographical area in North Sumter County, Alabama, composed of seven (7) districts, viz: Emelle, Geiger, Panola, Gainesville, Epes, Sumterville/Hamner and Boyd, which territory and districts are more particularly shown on a map identified thereon as "The Proposed Territory and Districts For The North Sumter County Development Authority," a copy of which map shall be recorded in the Probate Office of Sumter County, Alabama.

(d) The board of the North Sumter County Development Authority shall be composed of nine (9) appointed members, who shall be appointed as hereinafter set out in this subsection. One director shall be appointed as hereinafter provided from each of the seven (7) districts, which appointments shall be made by the Legislative Delegation, unless there is a municipality situated within the district. If there is a municipality situated within the district, then the city or town council and the Legislative Delegation shall appoint the respective director, with each body, that is the council and the delegation, having one vote in the appointment process. The remaining two (2) directors shall be "at large" directors, and they shall be appointed by the Legislative Delegation.

(e) The directors of the authority shall be over nineteen (19) years of age and the director appointed to represent a particular district shall be a qualified elector who resides within the district. The two (2) "at large" directors shall be over nineteen (19) years of age and shall be qualified electors who reside within the territory. In the appointment of the two (2) "at large" directors, the Legislative Delegation shall consider the racial, sexual and geographical (municipal versus rural) composition of the seven (7) directors, and the Legislative Delegation may use the appointment of the two (2) "at large" directors to more closely achieve racial, sexual and geographical balance on the board of directors of the North Sumter County Development Authority.

The terms of the initial nine (9) directors shall be determined by lot drawn by the Legislative Delegation with three (3) of the initial directors serving terms of one (1) year, three (3) of the initial directors serving terms of two (2) years and three (3) of the initial directors serving terms of three (3) years. Thereafter, the terms of directors shall be three (3) years, provided, however, that should any director cease to hold office by reason of death, resignation or for any other reason, then his or her successor in office shall be appointed in the same manner as other appointments herein, which successor shall fill the unexpired term of the deceased or departing director.

No member, officer or director of the authority shall receive any compensation for any service they may render or for any duty they may perform in connection with the authority, provided, however, that the authority is authorized to reimburse any member, officer or director for travel expenses, and such other reasonable expenses as the authority may approve which are directly incurred for any service they may render or for any duty they may perform in connection with the authority.

(f) Upon the appointment of the nine (9) directors as provided

hereinabove, the directors may become a public corporation, with the powers hereinafter provided by proceeding according to the provisions set out hereinafter.

(g) To become a corporation, the nine (9) initial directors, appointed in accordance with the procedure set out in subsection 5.4, shall present to the Secretary of State of Alabama an application signed by each of them which shall set forth:

1. The name, official designation and residence of each of the applicants and certified copies of the commissions evidencing their appointment to the office of director;

2. The date on which each applicant was inducted into office and the term of office of each applicant;

3. The name of the proposed corporation, which shall be the North Sumter County Development Authority;

4. The location of the proposed office of the proposed corporation, which office shall be within the territory of the authority; and

5. Any other matter relating to the proposed corporation which the applicants may choose to insert and which is not inconsistent with this bill or the laws of the State of Alabama.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the State of Alabama to take acknowledgements to deeds. The Secretary of State shall examine the application and, if he finds that it substantially complies with the requirements of this subsection, he shall receive and file it and record it in an appropriate book in his office.

(h) When the application has been made, filed and recorded, as herein provided, the applicants shall constitute a public corporation under the name submitted with the application, and the Secretary of State shall make and issue to the applicants a certificate of incorporation under the great seal of the State of Alabama and shall record the certificate with the application. There shall be no fees paid to the Secretary of State for any service rendered or work performed in connection with the authority thus formed, its incorporation, dissolution or records.

(i) The authority shall use the funds hereunder for public works within the territory, that is works or improvements for public use, protection or enjoyment, including, but not limited to, sewage, parks, recreation, highways, bridges, water, gas, utilities, fire protection and garbage disposal, including services and facilities pertaining thereto.

(j) The authority shall have the following powers:

(1) To have succession by its corporate name without time limits;

(2) To bring civil actions and have civil actions brought against it and to persecute and defend in any court having jurisdiction of the subject matter and of the parties;

(3) To have and to use a corporate seal and to alter the same at pleasure;

(4) Said authority shall not have the power of eminent domain;

(5) To enter into contracts with the United States, the State of Alabama, counties and municipalities, with all agencies, departments and instrumentalities of such political entities, and with private individuals, firms, corporations and other persons for any purpose related to the authority's duties and obligations;

(6) To employ such attorneys and agents as the business of the authority may require; and

(7) To appoint and employ supporting staff with such duties and powers, for such terms and at such salaries as the board of directors shall deem advisable.

(k) The aggregate monetary obligation that the authority may incur in connection with its contracts shall not at any time exceed the sum of any uncommitted or unencumbered moneys then available from the funds generated hereunder.

No contract involving the expenditure of money, whether now or later, shall be approved or ratified by the board unless the resolution approving or ratifying the same shall include a determination that there shall be compliance with the preceding limitation when the amount of the obligation of the contract in question has been added to the already existing obligations of the authority. This determination by the board shall be conclusive of the question of compliance.

All contracts of the authority for the construction, reconstruction or relocation of any facilities or structures and all purchases of equipment by the authority shall be made on the basis of competitive bidding in the manner and according to the procedures provided in sections 39-2-1 through 39-2-13 and 41-16-20 through 41-16-32, Code of Alabama 1975, and any other applicable statutes.

(1) Any portion of the monies received hereunder which the board of directors of the authority may determine is not then to be disbursed for public works or any other authorized purpose shall, on order of the authority, be invested by the treasurer of the authority in any securities that are direct general obligations of the United States or the principal of and interest on which are unconditionally

and irrevocably guaranteed by the United States, with preference being given to Sumter County financial institutions.

(m) The authority shall hold at least one (1) public meeting within the territory each year, at which meeting the authority shall report on its acts and doings within the preceding year and shall report on its plans and objectives during the coming year. Notice of this annual meeting shall be given by publishing notice thereof in a newspaper of general circulation which is published in Sumter County, Alabama.

(n) At any time when no duties or obligations of the authority shall remain to be discharged, or when all duties and obligations remaining to be discharged shall have been effectively delegated to public corporations, agencies and departments of the state, the authority may be dissolved upon the filing with the Secretary of State of an application for dissolution, which shall be subscribed by each of the members of the authority and which shall be sworn to by each such member before an officer authorized to take acknowledgements to deeds. Upon the filing of said application for dissolution, the authority shall cease and any property owned by it at the time of its dissolution shall pass to the state. The Secretary of State shall file and record the application for dissolution in an appropriate book of record in his office, and shall make and issue, under the great seal of the state, a certificate that the authority is dissolved, and shall record the said certificate with the application of dissolution.

Section 6. Any person or party who shall violate the provisions of this act shall be guilty of a Class C misdemeanor and upon conviction thereof shall be punished as provided by law. Each day during which such violations occur shall constitute a separate offense.

Section 7. If any part of this bill is declared invalid or unconstitutional, such declaration shall not affect the other parts of this bill.

Section 8. Any Changes, Alterations, or Amendments to this Act must be approved by a majority vote in a Sumter County wide Referendum.

Section 9. No funds received under this act shall be used for salaries or expenses of any elected official.

Section 10. All laws or parts of laws which conflict with this act are repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-481

H. 676—Reps. Zoghby, Kennedy, Turner
AN ACT

Relating to Mobile County; providing for an annual distribution to the Historic Mobile Preservation Society for payment of utilities at Oakleigh Antebellum House Museum from funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. An amount, not to exceed \$10,000, shall be distributed annually to the Historic Mobile Preservation Society for payment of the utilities at Oakleigh Antebellum House Museum from the funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-482

H. 721—Reps. Boles, Trammell, Waggoner,
Lewis, Bennett, Tucker, Davis,
Howard, Rogers, Horn, Thornton,
Layton, Seibels, Escott

AN ACT

Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The director of the department of conservation and natural resources is hereby authorized and empowered to promulgate rules and regulations authorizing the taking, catching or killing of non-game fish from the public waters of Jefferson County,

except in municipal parks, by the use of wire baskets having a mesh of one inch or larger.

Section 2. Any person desiring a license to fish with such wire baskets in areas where they may be legalized by regulation, as provided for above, may apply to the probate judge or other appropriate licensing authority in the county and shall pay a privilege license tax of one dollar (\$1.00) for each wire basket with which he proposes to fish. The judge of probate, license commissioner or other person authorized and designated to issue fishing licenses shall be entitled to a fee of twenty-five cents for each license so issued, which fee shall be in addition to the amount designated in this Act as the cost of such license. The probate judge shall issue such license on forms provided by the department of conservation and natural resources and shall keep a permanent record of all licenses issued and all taxes received. Licenses shall be issued on a fiscal year basis and all licenses issued in any year shall expire on September 30 of that year.

The revenue derived from the sale of the license provided for in this Act shall be remitted to the department of conservation and natural resources on the first day of each month by the issuing officer and shall be covered into the state treasury to the credit of the game and fish fund.

Section 3. It shall be illegal for any person to obtain more than four (4) such licenses or fish with more than four (4) such baskets.

Section 4. Any basket or baskets that may become legal for use in the waters of the county under the provisions of this Act shall be clearly marked with the name of the licensee operating, using and owning said basket and the license number of said basket.

Section 5. All wire baskets not marked in accordance with the provisions of the preceding section shall be destroyed upon discovery by any officer, agent or employee of the department of conservation and natural resources.

Section 6. Only non-game fish may be taken, captured or killed by means of any basket that may become legal for use in such county under the provisions of this Act. All game fish taken in such baskets shall immediately be returned to the waters from whence taken with the least possible harm.

Section 7. The licenses provided for in this Act shall not be sold to any person holding a commercial fishing license or engaged in the business of commercial fishing, and it shall be unlawful for any persons holding a wire basket license or using a wire basket under the provisions of this Act to sell or offer for sale any fish

within or without any such counties. (It is the specific intent of this Act to allow the use of wire baskets to catch fish for personal consumption only.)

Section 8. It shall be illegal for any person to raise, inspect or take fish from any wire basket that may be legalized under the provisions of this Act unless such person shall hold in his name and have in his possession the license for the particular basket he is raising, inspecting or from which he is taking fish. Nothing in this section shall prevent the raising of such baskets for inspection by any officer, agent or employee of the department of conservation and natural resources.

Section 9. Any person who violates the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars. In addition, all basket licenses for such person shall be revoked, and no other such licenses shall be issued to him until the expiration of a period of three (3) years from the date of such conviction.

Section 10. All laws or parts of laws, general, local or special, in conflict with this Act are hereby repealed.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-483

H. 760—Reps. Hettinger, Freeman, Hall,
Albright, Butler, Brooks

AN ACT

Relating to Madison County; there is hereby established in Madison County, Alabama, a Special Services Division of the District Attorney's Office of the Twenty-Third Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The Special Services Division of Said District Attorney's Office may notify those individuals charged with violating provision of Section 13A-9-13.1 of the Code of Alabama, by mail, that a warrant has been issued for the arrest of that individual and may (command) request that that individual appear and voluntarily

surrender themselves to the Special Services Division for arrest on said Warrant.

Section 2. The Special Services Division of said District Attorney's Office may (is hereby authorized to) charge a service fee of Forty Dollars (\$40) in those cases where individuals have been notified by mail that a warrant has been issued for their arrest and when this individual has surrendered to the Special Services Division pursuant to that notice, this fee shall provide funding for the cost of operating the Special Services Division.

Section 3. Fees collected by the Special Services Division shall be paid unto the county treasury of Madison County and said funds shall be kept as a separate fund in the county treasury to be known as the Worthless Check Fund and shall be used and expended by the district attorney as hereinafter provided. The district attorney is hereby authorized to requisition expenditures from the Worthless Check Fund for the payment of any and all expenses to be incurred by him for the Special Services Division. The treasurer of the county shall pay out of said funds to the said district attorney upon requisition made to the treasurer by the district attorney.

Section 4. After a criminal warrant has been served on an individual charging a violation of Section 13A-9-13.1 and upon appearance of that individual in District Court of Madison County, or equivalent thereof, said case shall be processed according to applicable law and rules of the court.

Section 5. The provisions of the act shall not contradict laws regulating the duties of the Circuit Clerks, the Court System or the collection and distribution of Court Costs.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-484

S.J.R. 218—Senator Cabaniss

SENATE JOINT RESOLUTION

CONGRATULATING SOUTH HIGHLANDS HOSPITAL
UPON ACCREDITATION.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and

composed of health care professionals has inspected South Highlands Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of South Highlands Hospital in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate South Highlands Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-485

S.J.R. 219—Senator Cabaniss

SENATE JOINT RESOLUTION

CONGRATULATING THE EYE FOUNDATION HOSPITAL UPON ACCREDITATION.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Eye Foundation Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental

Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of the Eye Foundation Hospital in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Eye Foundation Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-486

S.J.R. 220—Senator Aldridge

SENATE JOINT RESOLUTION

CONGRATULATING LAWRENCE COUNTY HOSPITAL UPON ACCREDITATION.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Lawrence County Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accredi-

tation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Lawrence County Hospital in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Lawrence County Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-487

S.J.R. 222—Senators Hilliard and Parsons

SENATE JOINT RESOLUTION

CONGRATULATING THE COMMUNITY HOSPITAL OF BIRMINGHAM UPON ACCREDITATION.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Community Hospital of Birmingham, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques

and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Community Hospital of Birmingham in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Community Hospital of Birmingham on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-488

S.J.R. 223—Senator B. Smith

SENATE JOINT RESOLUTION

RELATING TO MEMBERS OF THE SOUTHERN STATES ENERGY BOARD AND THE SOUTHERN GROWTH POLICIES BOARD.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That any member of the legislature serving as a member of the Southern States Energy Board or the Southern Growth Policies Board who is not a member of the Legislative Council shall be entitled to the same compensation, expenses, and transportation allowances for attendance at meetings of such Boards as members of the Legislative Council. All such compensation and expenses authorized by the provisions of this resolution shall be paid from funds appropriated to the use of the Legislature.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-489

S.J.R. 232—Senators Dixon, Teague,
Bedsole, Holmes and
Proctor

SENATE JOINT RESOLUTION

COMMENDING JOSEPHINE E. AYERS OF THE ALA-

BAMA SHAKESPEARE FESTIVAL.

WHEREAS, the Legislature takes great pride in noting that the Alabama Shakespeare Festival, Alabama's State Theatre, has provided unique and artistic live stage entertainment for 12 years to the people of Alabama and, indeed, throughout the South; and

WHEREAS, Josephine E. Ayers has been closely associated with this stellar Alabama endeavor since its inception, and, Chairman of the Festival since 1976; and

WHEREAS, the Alabama Shakespeare Festival—under the dedicated leadership and guidance of Josephine E. Ayers—has brought honor and fame to Alabama through its superb productions of King Lear, Romeo and Juliet, The Taming of the Shrew, Hamlet, and other Shakespeare plays; and

WHEREAS, The Alabama Shakespeare Festival has attracted audiences of nearly a quarter of a million people to Anniston, Alabama; and

WHEREAS, The Alabama Shakespeare Festival has shared its professional theatre, our state's most prized cultural and artistic asset, with over 160,000 people in 70 cities and nine states; and

WHEREAS, The Alabama Shakespeare Festival has been the subject of numerous articles in The New York Times, Washington Post, Atlanta Constitution, and, other distinguished national publications, thereby bringing much favorable attention to Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend and congratulate Josephine E. Ayers of the Alabama Shakespeare Festival, for her truly magnificent accomplishments and artistic contributions to and on behalf of the People of Alabama.

BE IT FURTHER RESOLVED, That all members of the Alabama Legislature do send felicitations and best wishes to Josephine E. Ayers and her co-workers in Anniston, Alabama, and convey to them every good thought as they undertake the admirable task of presenting another memorable season of the Alabama Shakespeare Festival.

Approved July 14, 1983

Time: 4:50 P.M.

SENATE JOINT RESOLUTION

COMMENDING WEST ALABAMA GENERAL HOSPITAL
UPON ITS ACCREDITATION.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected West Alabama General Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of West Alabama General Hospital in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate West Alabama General Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-491

S.J.R. 235—Senators Foshee, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures,

Goodwin, Harrison,
 Hilliard, Holmes, Keener,
 Kirkland, Little, Menton,
 Mitchell, Mitchem,
 Parsons, Pearson, Proctor,
 Robertson, Smith (B),
 Smith (J), and Teague

SENATE JOINT RESOLUTION

MEMORIALIZING THE PRESIDENT AND CONGRESS TO DO ALL WITHIN THEIR POWER TO RAISE THE RIDICULOUSLY LOW PRICES BEING PAID AMERICAN FARMERS.

WHEREAS, the prices for farm products now being paid are in many cases below the cost of production to the average farmer; and

WHEREAS, this low farm price situation has continued unrelieved for several years in a row; and

WHEREAS, the American farmer has constituted the backbone of this Country for many generations past, and the family farm has produced and nurtured what is best in America; and

WHEREAS, many family farms that have been in the same family for many generations are being lost because of the ridiculously low farm prices; and

WHEREAS, it appears that the President and Congress are not really interested in the problems and plight of farmers; and

WHEREAS, it appears that low farm prices are being used as a monetary tool to cover the American world trade deficit; and

WHEREAS, this trend must be stopped before so many farmers are driven out of production that food prices will eventually soar to the detriment of the American consumer and the world at large; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do call upon the President and the Congress of these United States to take whatever steps are necessary to assure an increase in the prices being paid to farmers.

BE IT FURTHER RESOLVED, That acreage allotments and higher price supports on farm products be re-instituted and that this action be taken post haste in order to prevent the wholesale bankruptcy of the American family farmer.

BE IT FURTHER RESOLVED, That the Secretary of the Senate send copies of this resolution to the President and to the Con-

gress in Washington, D. C.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-492

S.J.R. 239—Senators deGraffenried and
Robertson

SENATE JOINT RESOLUTION

COMMENDING HALE MEMORIAL HOSPITAL UPON ITS ACCREDITATION.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Hale Memorial Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Hale Memorial Hospital in twenty-four different areas.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Hale Memorial Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-493

S. 40—Senator Denton

AN ACT

To establish a procedure for the filling of vacancies in the state merit system by certain employees who are terminated from employment by means of a lay off.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any rights currently provided to state employees, any permanent state employee who is laid off from a position under the state merit system shall have priority for any other position in the same class filled from an open competitive register by any appointing authority in accordance with rules adopted by the State Personnel Board.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. The provisions of this act are supplemental and shall not be construed to repeal any law not in direct conflict.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-494

S. 80—Senator Smith (J)

AN ACT

To amend Section 32-13-3 and Section 32-13-4, Code of Alabama 1975, in order to provide for notice by newspaper publication of the sale of an abandoned motor vehicle, to provide for notice by certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and notice by newspaper publication if the name and address of the owner, secured parties or lienholders are unknown or cannot be reasonably ascertained, and to provide for a hearing in District Court or Circuit Court, on application of the owner, secured parties or lienholders, to determine if the vehicle is abandoned and should be sold.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-13-3, Code of Alabama 1975, is hereby amended so as to read as follows:

“Any automobile dealer, wrecker service or repair service owner, or any person or firm on whose property a motor vehicle is lawfully towed at the written request of a law-enforcement officer, who shall

have an abandoned motor vehicle on this property, may sell the same at public auction. Notice of the date and place of the sale and a description of the vehicle to be sold shall be given by a newspaper publication at least 10 days before the date of the sale in a newspaper of general circulation in the county in which the sale is to be held. In counties in which no newspaper is published, notice shall be given by posting such notice in a conspicuous place at the courthouse. Upon payment of the sales price, the purchaser shall be entitled to and the person making such sale shall issue to him a bill of sale to such abandoned motor vehicle, free and clear of all liens and encumbrances."

"(a) Any automobile dealer, wrecker service or repair service owner, or any person or firm on whose property a motor vehicle is lawfully towed at the written request of a law-enforcement officer shall give written notice to the owner, secured parties of record, and known lienholders, if any, at least 30 days prior to the date of the sale of the motor vehicle advising of (1) the complete description of the vehicle and the date and place the vehicle was found or taken into possession, (2) the approximate amount owed for the cost of repair, towing and storage, (3) the location of storage of the vehicle, (4) the time and place that a sale of the vehicle will be held, (5) the right of the owner, secured parties or lienholders to contest the right to sell such vehicle by the filing within 10 days before the date of the sale of the vehicle of an application for hearing to be conducted before the judge of the district court or circuit court of the county in which the sale is to be held. The application for hearing shall be on such a form as may be prescribed by the Department of Court Management of the State of Alabama. The notice required by this section shall be deemed to be given when sent by certified mail, postage prepaid, to the address of the owner, secured party of record, and known lienholder shown on any public filing evidencing such ownership, security interest, or lien; or, if none, to any such address ascertained by reasonable effort.

"(b) If the name and address of the owner, secured parties or lienholders of the vehicle are unknown or cannot be reasonably ascertained, then the notice required herein shall be given by publication once a week for two successive weeks in a newspaper of general circulation in the county in which the sale is to be held. In counties in which no newspaper is published, notice shall be given by posting such notice in a conspicuous place at the courthouse. The first publication or posting, as the case may be, shall be at least 30 days before the date of sale.

"(c) If no application for hearing is made by the owner, secured parties, or lienholders, the vehicle may be sold at the time and place designated in the notice of sale. If application for hearing is made by

the owner, secured parties, or lienholders, then all such persons shall be joined as parties and the judge of the district court or circuit court shall conduct a hearing to determine if the vehicle is an abandoned vehicle as defined by this chapter and should be sold in the manner prescribed herein. The vehicle shall not be sold pending the decision by the district or circuit court judge. If the judge shall determine that the vehicle is abandoned and should be sold, the vehicle may be sold after notice of the date and place of the sale is given by newspaper publication as prescribed in Section 32-13-3. If the hearing is conducted by the judge of the district court, any person aggrieved by the decision rendered by the judge of the district court may appeal to the circuit court of the judicial circuit wherein the hearing was held by filing notice of appeal in the time and in the manner prescribed by law."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 14, 1983

Time 4:50 P.M.

Act No. 83-495

S. 120—Senator deGraffenried

AN ACT

To amend the Alabama Business Corporation Act so as to provide the procedure for acquisition of stock in any corporation through exchange of stock by another corporation; to provide for the right of a shareholder to dissent from such exchange; to prescribe a dissenting shareholder's rights; to provide that the provisions of the Act are severable; and to prescribe an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Procedure for exchange of stock. Subject to the limitations of the Constitution of Alabama, as the same may be amended from time to time, all the issued or all the outstanding shares of one or more classes of any corporation may be acquired through the exchange of all such shares of such class or classes by another corporation, domestic or foreign, pursuant to a plan of exchange approved in the manner provided in this Act. The plan of exchange may contain provisions for converting rights to acquire shares of the corporation to be acquired into rights to acquire the shares, other securities, obligations, cash or other property for which the shares of the corporation to be acquired are to be exchanged.

The board of directors of each corporation shall, by resolution adopted by each such board, approve a plan of exchange setting

forth:

(a) The name of the corporation proposing to exchange its shares and the name of the corporation to acquire outstanding shares of such corporation in exchange, which is hereinafter designated as the acquiring corporation.

(b) The terms and conditions of the proposed exchange.

(c) The manner and basis of exchanging shares of the class or classes of the corporation to be acquired for shares or other securities or obligations of the acquiring corporation, or, in whole or in part, for cash or property or for shares or other securities or obligations of any other corporation and the manner and basis of converting rights to acquire shares of the corporation to be acquired into rights to acquire shares or other securities or obligations of the acquiring corporations or, in whole or in part, for rights to acquire cash or property or for rights to acquire shares or other securities or obligations of any other corporation.

(d) Such other provisions with respect to the proposed exchange as are deemed necessary or desirable.

The provisions of this section shall not be deemed to limit the power of a corporation to acquire all or part of the shares of any class or classes of a corporation through a voluntary exchange or otherwise by agreement with the shareholders.

Section 2. Thereafter the proposed exchange must receive the approval of shareholders as if it were a merger or consolidation under the provisions of § 10-2A-142. The right of any shareholder to dissent from any merger or consolidation under the provisions of § 10-2A-162 shall be equally applicable to an exchange, and a dissenting shareholder's rights given by § 10-2A-163 shall likewise apply to a shareholder dissenting from an exchange.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 14, 1983

Time 4:50 P.M.

Foshee, Little, Harrison,
Holmes, Bailey and Bachus

AN ACT

To amend Subsection 11-58-2(a) of the Code of Alabama 1975 in order to broaden the statement of the purposes of medical clinic boards to include as one of such purposes the acquisition of facilities for the housing and care of elderly persons and to amend the definition of "medical clinic" contained in S11-58-1 of the Code of Alabama 1975 in order to include domiciliary facilities so long as any such facility is required to be licensed by any federal, state or local agency having jurisdiction in the planning or operation of health care facilities or is owned or operated in conjunction with any nursing home.

Be It Enacted by the Legislature of Alabama:

Section 1. Subsection 11-58-2(a) of the Code of Alabama 1975 is hereby amended to read as follows:

The purpose of this chapter is to provide for boards as public agencies and instrumentalities of the state of Alabama to promote the acquisition of health facilities in order to promote the public health of the people of Alabama and also to promote the acquisition of certain other facilities for the housing and care of elderly persons.

Section 2. The definition of "medical clinic" contained in S11-58-1 of the Code of Alabama is amended to read as follows:

Medical Clinic. Any one or more of buildings or facilities which serve to promote the public health, either by providing places for the diagnosis, treatment or cure of sick or injured persons or for research with respect to any of the foregoing, including, without limiting the generality of the foregoing, hospitals, sanitoriums, nursing homes, offices for persons engaged in the diagnosis, treatment or cure of sick and injured persons, buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect to any of the foregoing and hotels and motels intended primarily for use by patients and relatives and attendants of patients or patrons of any medical clinic, as well as domiciliary facilities so long as any such domiciliary facility is required to be approved or licensed by any federal, state or local government agency having jurisdiction in the planning or operation of health care facilities or is owned or operated in conjunction with any nursing home. Such domiciliary facilities shall not, however, be exempt from ad valorem taxation.

For purposes of this act, domiciliary facilities shall be defined as follows:

"Domiciliary Care Facility" means homes for the aged, intermediate institutions, and related institutions, whose primary purpose is

to furnish room, board, laundry, personal care, and other nonmedical services, regardless of what it may be named or called, for not less than twenty-four hours in any week to three or more individuals not related by blood or marriage to the owner and/or administrator. This kind of care implies sheltered protection and a supervised environment for persons, who because of age or disabilities, are incapable of living independently in their own homes or a commercial board and room situation, yet who do not require the medical and nursing services provided in a nursing home. In these facilities, there might be available temporarily and incidentally the same type of limited medical attention as an individual would receive if he were living in his own home.

Section 3. The provisions of this act are severable. If any provision of this act is declared invalid or unconstitutional, such declaration shall not affect any other provision hereof.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-497

S. 250—Senator Smith (J), Holmes, Amari,
Bedford, Harrison and Dixon

AN ACT

Relating to persons in the employment of the state and the right of such persons to participate in political activities and the improper use of position to influence votes or political actions; amending Sections 17-1-7 and 36-26-38, Code of Alabama 1975, relating to political activities of public employees, the prohibition of such political activities; and the improper use of official authority or position for political purposes, so as to prescribe that persons in the employment of the state shall have the same political rights as other citizens of the state and to prohibit such employee using state property or state time to promote such activities; and providing further for the prohibition of certain political activities and the improper use of official authority or position.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known as the Equality of Citizenship Act.

Section 2. Sections 17-1-7 and 36-26-38, Code of Alabama 1975, are amended to read as follows:

“§17-1-7.

“(a) (1) No person in the employment of any city, whether clas-

sified or unclassified, shall be denied the right to participate in county and state political activities to the same extent as any other citizen of the state of Alabama, including endorsing candidates and contributing to campaigns of his choosing.

“(2) No person in the employment of any county, whether classified or unclassified, shall be denied the right to participate in city and state political activities to the same extent as any other citizen of the state of Alabama, including endorsing candidates and contributing to campaigns of his choosing.

“(3) No person in the employment of the state of Alabama, whether classified or unclassified, shall be denied the right to participate in city, county or state political activities to the same extent as any other citizen of the state of Alabama, including endorsing candidates and contributing to campaigns of his choosing, provided, however, any person within the classified service must comply with Section 36-26-38, Code of Alabama 1975, as herein amended.

“(4) All persons in the employment of any city, county or state shall have the right to join local political clubs and organizations, and state or national political parties.

“(5) All persons in the employment of any city, county or state shall have the right to publicly support issues of public welfare, circulate petitions calling for or in support of referendums, and contribute freely to those of his choosing.

“(b) No person shall attempt to use his official authority or position for the purpose of influencing the vote or political action of any person. Any person who violates this subsection (b) shall be guilty of a felony and punishable by a fine not to exceed \$10,000.00 or imprisonment in the state penitentiary for a period not to exceed two years, or both.

“(c) No person in the employment of the state of Alabama, whether classified or unclassified, shall use any state funds, property or time, for any political activities. Any person who is in the employment of the state of Alabama must be on approved leave to engage in such political action or such person must be on personal time before or after work and on holidays. It shall be unlawful for any officer or employee to solicit any type of political campaign contributions from other employees who work for said officer or employee in a subordinate capacity. It shall also be unlawful for any officer or employee to coerce or attempt to coerce any subordinate employee to work in any capacity in any political campaign or cause. Any person who violates the provisions of this section shall be guilty of the crime of trading in public office and upon conviction thereof, shall be fined or sentenced, or both, as provided by Section 13A-10-63,

Code of Alabama 1975.

“§36-26-38.

“(a) No person shall be appointed or promoted to or demoted or dismissed from any position in the classified service or in any way favored or discriminated against with respect to employment in the classified service because of his political or religious opinions or affiliations. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service or an increase in pay or other advantage in employment in any such position for the purpose of influencing the vote or political action of any person or for any consideration. No employee in the classified service and no member of the board shall, directly or indirectly, pay or promise to pay any assessment, subscription or contribution for any political organization or purpose or solicit to take any part in soliciting any such assessment, subscription or contribution under coercion; provided, however, it shall be unlawful for any officer or employee to solicit any type political campaign contributions from other employees who work for said officer or employee in a subordinate capacity. No employee in the classified service shall be a member of any national, state or local committee of a political party or an officer of a partisan political club or a candidate for nomination or election to any public office or shall take any part in the management or affairs of any political party or in any political campaign, except on his personal time and to exercise his right as a citizen privately to express his opinion and to cast his vote; provided, however, that nothing in this section shall prohibit any person in the classified service from serving out the term of a party office for which he had been elected at the time this chapter goes into effect. Any employee in the classified service may engage in political action or political activities on personal time before and after work, holidays and during approved leave.

“(b) Any officer or employee in the classified service who violates any of the foregoing provisions of this section shall forfeit his office or position.”

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-498

S. 331—Senator Mitchem

AN ACT

To make an appropriation in the amount of Six Million Five Hundred Thousand Dollars (\$6,500,000), consisting of a supplemental appropriation for the period ending September 30, 1983 and an appropriation for the period commencing October 1, 1983 and ending December 31, 1983, from monies comprising Trust Capital of The Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of 1901, proposed by Act No. 81-1178, 1981 Third Special Session, for the purpose of payment by the State of Alabama of expenses requisitioned on or prior to midnight December 31, 1983 by the Alabama Housing Finance Authority in the exercise of the powers granted to it by law.

Be It Enacted by the Legislature of Alabama:

Section 1. Appropriation. In addition to any and all other funds heretofore appropriated, there is hereby further appropriated for the fiscal year ending September 30, 1983 and for that portion of the fiscal year commencing October 1, 1983 and ending at midnight December 31, 1983, the sum of Six Million Five Hundred Thousand Dollars (\$6,500,000) from the monies comprising Trust Capital of The Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of 1901, which was proposed by Act No. 81-1178, 1981 Third Special Session, ratified by the qualified electors of the State as an amendment to the Constitution on March 2, 1982, and proclaimed ratified by the Governor on March 17, 1982. The purpose of this appropriation is the payment by the State of Alabama of expenses requisitioned, in accordance with the provisions of Section 2 herein, on or prior to midnight December 31, 1983 by the Alabama Housing Finance Authority in the exercise of the powers granted to it by law.

Section 2. Disbursement of Appropriated Monies. The monies so appropriated shall be held in The Alabama Heritage Trust Fund until disbursed from time to time for the purpose for which appropriated. Monies so held in The Alabama Heritage Trust Fund shall be disbursed to the State Comptroller at such time as the State Comptroller receives requisitions signed by the Chairman or Vice Chairman of the Alabama Housing Finance Authority requesting such disbursement. Each such requisition must state the fees, charges and other expenses to be paid pursuant thereto, the persons, firms and corporations to whom such fees, charges and other expenses are owed and the amount payable to each of such persons, firms and corporations. Upon the receipt of a requisition containing such information and signed as aforesaid, the State Comptroller shall draw warrants in such amounts and payable to such persons, firms and corporations as shall be necessary to provide for the payment of all the fees, charges and other expenses described in such

requisition.

Section 3. Legislative Intent and Purpose. It is declared to be the intent and purpose of the Legislature that the sum of Six Million Five Hundred Thousand Dollars (\$6,500,000), as appropriated in Section 1 herein, shall be used for the purpose of payment by the State of Alabama of expenses requisitioned during the remainder of calendar year 1983 by the Alabama Housing Finance Authority in the exercise of the powers granted to it by law. To this end, this appropriation is intended both as a supplemental appropriation for the fiscal year ending September 30, 1983, and as an appropriation for that portion of the fiscal year commencing October 1, 1983, and ending at midnight on December 31, 1983.

Section 4. Severability. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-499

S. 389—Senator Mitchem

AN ACT

To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership and appointments of the authority so as to increase the membership and to provide further as to qualifications and terms of members; and to amend Section 24-1A-9 of the Code of Alabama 1975, which limits the period for the issuance of bonds.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 24-1A-4 of the Code of Alabama 1975, is hereby amended to read as follows:

“§24-1A-4.

(a) The applicants named in the application, being the seven initial appointees of the governor by congressional districts, the director of finance ex officio and the superintendent of banks ex officio, and their respective successors in office, together with the state treasurer ex officio, an appointee of the governor from the state at large and the appointees of the speaker of the house and the lieutenant governor, and their respective successors in office, shall constitute the members of the authority. The governor shall, as soon as

convenient after the passage of this chapter, appoint one person from each of the now existing seven congressional districts as members of the authority, and at the expiration of the terms for which they are appointed or the existence of a vacancy, their successors. At the time of their appointment, two of such seven members shall be engaged in the business of home building, two shall be licensed real estate brokers, who are not in the business of home building; one shall be engaged in the business of lending money on the security of mortgages on residential property or the officer, director or employee of a mortgage lender; one shall be an elected commissioner of a county in the state; and one shall be an elected mayor of a municipality. The seven such members first appointed shall be appointed for terms of one, two, three, four, five, six and seven years respectively, and the governor in the appointment shall designate the expiration date of the term of the member. In addition to the members appointed by the governor from each of the seven congressional districts, the governor shall appoint one additional member from the state at large, such appointment to be for a term ending on June 1, 1990. The speaker of the house shall appoint two members and the lieutenant governor shall appoint two members. The members appointed by the speaker of the house shall be appointed for three and five year terms and the members appointed by the lieutenant governor shall be for four and six year terms, each commencing January 1, 1982. All successor appointees shall be appointed for the remainder of any unexpired term or, if appointed at the expiration of a term, for terms of seven years. Every member of the authority shall be a citizen of the state and a person of good reputation; and shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. A member, director or officer of the authority may be impeached or removed from office in the same manner and on the same grounds as provided in section 175 of the Constitution of Alabama and the general laws of the state relating to the impeachment and removal of public officers. At least one member shall be a member of the minority race. The director of finance, the state treasurer and the superintendent of banks shall serve as ex officio members of the authority.

(b) The members of the authority shall constitute all the members of the board of directors of the authority, in which all powers of the authority shall be vested, and a majority of the members of the board of directors shall constitute a quorum for the transaction of business.

(c) The board of directors shall elect from among its members, a chairman, a vice-chairman, a secretary, a treasurer and such other officers as it may determine. The board of directors may also elect an assistant secretary and an assistant treasurer, who need not be

members of the board of directors.

(d) Regular meetings of the board of directors shall be held at such time and place as shall be fixed by resolution of the board of directors and special meetings of the board of directors shall be held at the call of the chairman or whenever three members of the board of directors so request; provided, that no meeting shall be held unless five days' prior written notice of the time, place and purpose of such meeting shall have been given to each member of the oversight committee and five days' public notice has been given in at least three daily newspapers in diverse parts of the state outlining the time, place and purpose of the meeting. Public notice shall not be waived. Any action taken by the authority under the provisions of this chapter may be authorized by resolution approved by a majority of a quorum present and voting at any regular or special meeting. No member, officer or director of the authority shall receive any salary therefor, but he may be reimbursed for necessary travel and the reasonable expenses of performing the duties of office. All proceedings had and done by the board of directors shall be reduced to writing by the secretary or assistant secretary of the authority, shall be signed by at least three directors and shall be recorded in a substantially bound book and filed in the office of the authority. All proceedings of the board shall be open to the public and all records of the board shall be subject to public inspection during business hours. Copies of such proceedings, when certified by the secretary or assistant secretary of the authority under the seal of the authority, shall be received in all courts as prima facie evidence of the matters and things therein certified. The official records of the authority shall be permanently maintained in the office of the finance director.

(e) No member, officer, director or employee shall be personally liable for the obligations or acts of the authority.

(f) There shall be established a legislative oversight committee to provide recommendations to the board concerning efficient operation of the authority. The committee shall consist of seven members of the house of representatives, one from each congressional district appointed by the speaker of the house and seven members of the senate, one from each congressional district appointed by the lieutenant governor. The governor, lieutenant governor and speaker of the house or their designated representative shall serve as ex officio members. The legislative members, after their initial appointment, shall be named at each organizational session and all members shall serve until their successors are properly qualified.

(g) Each appointed member, officer or director of the authority shall be paid actual expenses incurred in the performance of his duties pursuant to the provisions of this chapter, whether incurred

within or without the state of Alabama; provided, however, each legislative member of the oversight committee shall be paid his regular legislative compensation for each day's attendance at meetings when not in legislative session plus actual expenses incurred in the performance of his duties pursuant to the provisions of this chapter when traveling outside the state of Alabama; and the finance director, state treasurer and superintendent of banks shall serve without pay but shall be entitled to their actual expenses incurred in the performance of their duties pursuant to the provisions of this chapter. Any payment for compensation or reimbursement for expenses shall be made from any funds of the Alabama housing finance authority."

Section 2. Section 24-1A-9 of the Code of Alabama 1975, is hereby amended to read as follows:

"§24-1A-9.

Notwithstanding any other provision of this chapter to the contrary, the authority shall not issue any bonds, other than refunding bonds, subsequent to December 31, 1986."

Section 3. The provisions of this Act are severable. If any portion of this Act is declared invalid, such declaration shall not affect the validity of the portions which remain.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-500

H. 457—Reps. Turner, Kvalheim, Clikas,
Zoghby, Penry, McMillan, Box,
Gaston, Kennedy, Clark,
Harper

AN ACT

To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama, 1975, Title 33, Section 48, as amended, is hereby amended further to read as follows:

"§33-4-48. Pay of Pilots - Generally. The master, owner, agent or operator of any ship or vessel must pay the pilot who conducts a

vessel into or out of the bay or harbor of Mobile a fee to be fixed by the board of pilotage commission at not exceeding the following rates for actual draft of water at the time of pilotage; such rates to be effective for the year commencing June 1, 1983: For every vessel crossing the outer bar of Mobile Bay the sum of \$19.00 per draft foot, provided, however, the minimum pilot fee shall be computed on a minimum of fifteen (15) feet regardless whether or not such vessel has a draft of less than fifteen feet at the time of pilotage. In addition to the pilotage fee based on draft of said vessel there shall also be paid to said pilot the following pilotage fees: On said vessels with a length overall not in excess of 499 feet, \$130.00; on said vessel with a length overall in excess of 499 feet, but not in excess of 599 feet, \$170.00; on said vessels with a length overall in excess of 599 feet, but not in excess of 699 feet, \$215.00; on said vessels with a length overall in excess of 699 feet, but not in excess of 799 feet, \$260.00; on said vessels with a length overall in excess of 799 feet, but not in excess of 899 feet, \$300.00; on said vessels with a length overall in excess of 899 feet, but not in excess of 999 feet, \$345.00; on said vessels with a length overall in excess of 999 feet, \$385.00. Vessels with a beam of 125 feet or more shall require an assisting pilot in addition to the pilot and the fee for the assisting pilot shall be \$430.00.

Vessels trading between any domestic port on the Gulf of Mexico and the Port of Mobile, drawing seven feet or less of water shall not be require to employ a pilot, but if they do, their regular pilotage shall be paid. No fishing smack shall be subject to pilotage."

Section 2. All laws of part of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-501

H. 44—Rep. Turner

AN ACT

Relating to Mobile County; further providing for the medically indigent citizens of Mobile County; fixing a definition of medically indigent persons; establishing the Mobile County Indigent Care Board and describing its authority, composition and duties; providing for the transfer to the Mobile County Indigent Care Board of a portion of oil and gas severance tax revenues, designated for and distributed to the General Fund of Mobile County, pursuant to Title 40, Chapter 20, Article 1, Code of

Alabama 1975, as amended, to be designated for the provision of medical care to the medically indigent citizens of Mobile County, with certain provisions that unexpended reserves from such source may be returned to the General Fund of Mobile County; and to provide that the provisions of this Act shall be construed cumulatively.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this Act, unless otherwise indicated, the following terms shall have the meanings respectively ascribed to them by this section:

(1) **MEDICALLY INDIGENT PERSON.** Any person who is a resident of Mobile County and who is ill, injured and suffering whose condition can be helped or relieved by treatment in a hospital, but who is unable to pay the cost of hospital treatment, or who is able to pay only a portion of the cost of such hospital treatment.

(2) **COUNTY COMMISSION.** The County Commission of Mobile County, as it is duly constituted at the time of the enactment of this Act, and any subsequent duly constituted governing body of Mobile County.

Section 2. At the determination of the County Commission, there may be hereby established the **MOBILE COUNTY INDIGENT CARE BOARD**, hereinafter referred to as "the Board", whose composition and duties shall be as follows:

(a) The County Commission may appoint a Mobile County Indigent Care Board which shall consist of three members who are duly qualified electors of Mobile County, but no member of such Board shall be employed by any hospital. Of the members of the Board first appointed under the provisions of this section, one shall be appointed for a term of one year, one shall be appointed for a term of three years, and one shall be appointed for a term of five years. Thereafter, their successors shall be appointed for terms of five years and may be appointed to succeed themselves as members of the Board. The County Commission shall appoint all members to the Board. In the event the County Commission does not appoint the subject Board, the duties and responsibilities of the Board herein shall be carried out by the County Commission. Members of the Board shall serve without compensation.

(b) The Board shall meet monthly at a public place within Mobile County to certify accounts presented to the Board by providers of medical care who are providing medical care to medically indigent citizens of Mobile County and to make recommendations for payments from the Board's account or accounts to such providers of medical care by the County Commission. The Board shall be empowered to employ appropriate personnel, for the purpose of maintaining the Board's records and account or accounts or the County

Commission may provide such personnel for the purpose of maintaining the Board's records and account or accounts and shall be empowered to expend revenues in its account or accounts to carry out the several provisions of this act. The Board may contract with the State Department of Pensions and Security for the purposes of evaluating and certifying persons as being medically indigent according to guidelines established by the Board. The Board shall recommend to the County Commission at each regular meeting of the County Commission reimbursement to be paid to providers of medical care to the medically indigent of Mobile County at an amount equal to the reasonable cost of said services rendered by the provider. It shall be the responsibility of the providers of medical care to verify and furnish appropriate materials for the Board to certify the accounts presented. PROVIDED, however, notwithstanding any part herein to the contrary, providers of medical care shall be reimbursed only for that part of unreimbursed care which exceeds 6 percent of that provider's gross billings for the current fiscal year. Unreimbursed care shall not include amounts for contractual adjustments, discounts or amounts required to be provided under Hill-Burton or other funds supporting indigent care from any other sources. A hospital shall be reimbursed for providing hospital care to a medically indigent person at a rate equal to the average of Mobile County, Alabama hospital's Medicare costs determined by the annual Medicare cost reports of said hospitals. Reimbursements by the Board shall not include any payment for physician services. The Board shall require a copy of a certified audit without qualification of any provider and, if applicable, its parent organization, applying for reimbursement by the Board and the cost of such audit shall be the burden of said provider. During the first fiscal year in which this Act becomes effective, specifically October 1, 1982 through September 30, 1983, the reasonable costs of services to the medically indigent, which services are rendered during that fiscal year, shall be eligible for reimbursement to the provider pursuant to this Act.

Section 3. It is the intention of the Legislature by the passage of this Act to be in accordance with Article IV, Section 88, of the Constitution of Alabama of 1901.

Section 4. The County Commission shall establish an account or accounts within the general fund of the County for payment of such amounts recommended by the Mobile County Indigent Care Board, as set forth herein. The County Commission will place into such account or accounts an amount equal to the sum of one-half (50%) of all oil and gas severance tax revenues, designated for and distributed to the General Fund of Mobile County, and remaining after distribution of those revenues to the Mobile County Board of Health and the Mobile County Board of Education provided for

by Act 870, Regular Session 1975 (Acts 1975, p. 1714), pursuant to Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, not to include any and all net revenues held in escrow, as a result of litigation, for Mobile County which have been collected pursuant to Act No. 79-434, H. 148, 1979 Regular Session and Act No. 80-708, H. 909, 1980 Regular Session.

Allocation of such revenues for indigent care shall not exceed \$5,000,000.00 in fiscal year 1982-1983. In subsequent years the Board shall consider such factors as estimated population growth, unemployment rates, population age distribution and other such demographic and sociological factors as might be indicative of indigent care needs in establishing the levels of indigent care funding, provided, however, that the funds so allocated shall not be less than the funds allocated for the previous year as adjusted by change in the hospital consumer price index.

The remainder of all revenues paid to Mobile County pursuant to any other severance tax or privilege tax on oil and gas, under any general or local law whatsoever, shall not be deemed a part of or included in the provision of this Act. Said revenues shall be used by the Mobile County Indigent Care Board to provide for the costs of medical care and treatment of medically indigent citizens of Mobile County, as set forth herein. PROVIDED, however, that if the subject revenues exceed the need for funds to reimburse for medical care for the medically indigent of Mobile County, as of the end of the fiscal year of the County Commission, then such funds will revert to the General Fund of Mobile County.

Section 5. The County Commission also shall obligate such additional revenues from the General Fund of Mobile County in the amount of any oil and gas severance tax revenues being held in escrow designated for Mobile County and collected pursuant to Act No. 79-434, H. 148, 1979 Regular Session (Acts 1979, p. 687) and Act No. 80-708, H. 909, 1980 Regular Sessions (Acts 1980, p. 1438), and in the amount of any funds transferred from the License Commissioner of Mobile County to the General Fund of Mobile County which relates to beer taxes; such revenues to be used to the extent the Board may require same to perform properly its duties as provided in Section 2 of this Act after such funds authorized in Section 4 have been appropriated and paid out by the Board. Provided, however, that in the event that oil and gas severance tax revenues held in escrow and collected pursuant to Act No. 79-434, H. 148, 1979 Regular Session (Acts 1979, p. 687) and Act No. 80-708, H. 909, 1980 Regular Session (Acts 1980, p. 1438) and distributed to the General Fund of Mobile County are reduced by judicial decree, the County Commission shall obligate funds from its General Fund in an amount equal to one-half (50%) of such reduction, not to exceed

\$750,000.00 per annum for the 1982-83 and 1983-84 fiscal years of the County Commission to the extent the Board may require same to perform properly its duties as provided in Section 2 of this act after such funds authorized in Section 4 have been appropriated and paid out by the Board.

Section 6. The Mobile County Indigent Care Board shall be authorized and empowered to bring and prosecute any suits in its name, as agent for the County of Mobile, against any person whose cost of hospitalization, in whole or in part, has been paid by the Board to the provider of medical care or the hospital, within the statutory period fixed by law.

Section 7. The provisions of Section 4 are cumulative and shall apply to all of said additional oil and gas severance tax revenues henceforth to be distributed.

Section 8. Only laws or parts of laws which conflict with this act are hereby repealed.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor and upon its otherwise becoming a law.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-502

H. 475—Reps. Gaston, Clikas, Turner,
Box, Zoghby, Harper, Clark,
Kvalheim

AN ACT

Relating to the city of Mobile; establishing and providing for the Mobile City Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from section 28-3-281, Code of Alabama 1975; providing for the forfeiture of certain funds upon falsification of registration forms; and providing for retroactive effect to January 1, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) There is hereby created and established the Mobile City Youth Athletic Board, hereinafter referred to as the board. Each of the below-listed associations of such city shall have the authority to name one member on said board:

- (1) Municipal Park Baseball, Inc.
- (2) Springhill-Forest Hill Youth A.A., Inc.
- (3) Southern Little League
- (4) Colts Youth Athletic Association
- (5) Springhill Baseball, Inc.
- (6) Cottage Hill Athletic Association, Inc.
- (7) Navco Athletic Association, Inc.
- (8) Mims Park Youth Athletic Association, Inc.
- (9) Cottage Hill Little League, Inc.
- (10) Skycrest Babe Ruth, Inc.
- (11) Skyline Little League, Inc.
- (12) Ranger Babe Ruth
- (13) Trimmier Park Booster Association, Inc.
- (14) South Brookley Little League
- (15) International Babe Ruth
- (16) Loop Youth Athletic Association, Inc.
- (17) National Little League
- (18) National Babe Ruth
- (19) Advanced Babe Ruth
- (20) Trinity Gardens Athletic Council
- (21) Taylor Park Athletic Committee
- (22) Gorgas Park Athletic Committee
- (23) Kidd Park Athletic Committee
- (24) Carver Park Athletic Committee
- (25) Texas Street Little Boys Baseball League Association

(b) There may further be added to the board such other associations as the majority of the board from time to time approve.

Section 2. Members of the board first shall be appointed as follows: the members from Municipal Park Baseball, Inc., Springhill-Forest Hill Youth A.A., Inc., Southern Little League, and Colts Youth Athletic Association for a term of one year; the members from Springhill Baseball, Inc., Cottage Hill Athletic Association, Inc., Navco Athletic Association, Mims Park Youth Athletic Association, Inc., and Cottage Hill Little League, Inc. for a term of

two years; the members from Skycrest Babe Ruth, Inc., Skyline Little League, Inc., Ranger Babe Ruth, Trimmier Park Booster Association, Inc., and South Brookley Little League for a term of three years; and the members from International Babe Ruth, Loop Youth Athletic Association, Inc., National Little League, National Babe Ruth, and Advanced Babe Ruth for a term of four years. As the terms of members expire, their successors shall be selected for terms of four years each. Vacancies in unexpired terms shall be filled in the same manner as original appointments are made.

Section 3. A chairman and a vice-chairman shall be elected by the board from among its members. In the absence or incapacity of the chairman, the vice-chairman shall serve as chairman and may perform such acts and duties as the chairman is authorized to perform. The power of said board shall be vested in and exercised by a majority of the members of the board then in office. The board shall elect a secretary-treasurer from among its members to act as custodian of all the funds, from whatever source derived, received by said board, and shall deposit said monies in a separate interest-bearing checking account or accounts in one or more banks or trust companies which are duly qualified and doing business in Mobile County. Members of the board shall not be compensated for their services.

Section 4. The board shall have the power and it shall be its duty to distribute to the various member associations the tax proceeds as provided in Section 6 of this act. The board shall have all other powers necessary to effect the purposes for which it has been established.

Section 5. Each association enumerated in Section 1 hereof shall register youths under 19 years of age who reside inside the corporate limits of the city of Mobile and who are participants in the sports programs of the association. Registration shall consist of listing the name, address and birthdate of the registrant. Any association found guilty of falsifying the registration of any participant shall, for each violation, automatically forfeit \$50.00 of revenue to which it is entitled.

Section 6. Fifty percent of the tax proceeds distributed to the city of Mobile pursuant to section 28-3-281, Code of Alabama 1975, shall be transferred by the city treasurer to the Mobile City Youth Athletic Board to be deposited as provided in Section 3 hereof.

During the 1983 calendar year, said tax proceeds shall be distributed in the following manner: Within thirty days after the effective date of this act, each association shall register youths according to Section 5 of this Act. Forty-five days after the effective date of this act, each association shall submit to the board a list of regis-

trants. Thereupon the board shall prorate the total amount of said tax proceeds for the per capita distribution according to the number of registrants of an association. In years subsequent to 1983, distribution of the tax proceeds shall be made in the manner as hereinafter set forth. On or before March 31 of each year, each association shall submit to the board a list of registrants. Thereupon the board shall prorate the total amount of said tax proceeds for the per capita distribution according to the number of registrants of an association. During the month of April of each year, the secretary-treasurer of the board is authorized to distribute to each association which is a member of the board, the pro rata amount for each participant which they have registered in accordance with Section 5 of this Act.

Section 7. Each association shall submit an annual audit to the board on or before April 30 of each year as to how the funds were spent during the previous year.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective retroactive to January 1, 1983.

Approved July 14, 1983

Time: 4:50 P.M.

Act No. 83-503

H.J.R. 333—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

TO ESTABLISH A JOINT LEGISLATIVE COMMITTEE TO OVERSEE A SPECIAL AUDIT OF THE TEACHERS' RETIREMENT SYSTEM AND EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA.

WHEREAS, the legislature is receiving very disturbing rumors about the nature of some of the investments being made by the Retirement Systems of Alabama; and

WHEREAS, the legislature feels that it would be in the best interest of both of the Retirement Systems of this state that a completely independent in-depth audit be made of the affairs of the Retirement Systems; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to oversee an audit of the Teachers' Retirement System and the State Employees' Retirement System of Alabama. Said committee shall be composed of six members who shall be appointed from the Legislature. The Speaker of the House shall appoint three members and the Lieutenant Governor shall appoint three members from the House and Senate respectively.

The committee shall meet as soon after their appointment as practical and choose one of their members as chairman and another as vice chairman and shall proceed to choose a reputable and independent accounting firm doing business in the State of Alabama to conduct a thorough and complete audit of the affairs and business of the Teachers' Retirement System of Alabama and the State Employees' Retirement System of Alabama.

The fees and expenses of said accounting firm in the conduct of said audits shall be paid out of any funds appropriated to the use of the legislature upon the direction of the committee. Copies of the audit and any reports connected therewith shall be filed with the committee, the Speaker of the House and the Lieutenant Governor as soon as practical.

BE IT FURTHER RESOLVED, That upon request of the chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem travel expenses for each day he attends a meeting of the committee, upon warrant drawn on the state comptroller upon requisitions signed by the chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee within and without the state. All expenses for travel, per diem, salaries, benefits, clerical assistance, supplies and costs incurred as a result of this resolution shall be paid out of any funds appropriated to the legislature, in accordance with law.

BE IT FURTHER RESOLVED, That this resolution expressly repeals HJR 290.

Approved July 14, 1983

Time: 4:50 P.M.

AN ACT

To provide further for the procedure for redeeming lands sold for taxes in Escambia County; to transfer certain duties of the probate judge of such county relative to such redemptions to the tax collector of the county; to relieve the probate judge of such county of these duties; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In Escambia County the procedure for redeeming lands sold for taxes shall be the same as provided in Article 5 of Chapter 10, Title 40, Code of Alabama 1975, except that all such duties as are required of and performed by the probate judge shall be transferred to and be performed by the tax collector, and the probate judge shall be relieved of all such duties.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall take effect on the first day of the month next following the date of its enactment but it shall not affect proceedings that were begun before such date.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-505

H. 749—Rep. Turnham

AN ACT

To authorize the Lee County Commission to provide protection of forests from fires, insects, disease and other pest within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Lee County is authorized, when the need exists to provide protection of forest from fires, insects, disease and other pests in Lee County by participating in the Alabama Forestry Commission's forest protection program in the manner hereinafter specified.

Section 2. (a) After the Lee County Commission has determined that such a need does exist in Lee County, the County Commission may, in the manner hereinafter specified, provide for a financial charge to be paid by the owners of forest lands located in

Lee County for the use of the land for timber growing purposes amounting to the whole or any part of the cost of such forest protection program, but not in excess of ten cents per acre, provided such financial charge is not greater than the benefit accruing to such forest lands due to availability of such fire protection.

(b) "Forest lands" as used in this Act, shall mean any land which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support such a growth in the future, or which is being used or reserved for any *forest* purpose. "Forest lands" as used in this Act, shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.

(c) The financial charge fixed as provided in the above section shall be payable at the same time and in the same manner as county taxes, and the owners of the "Forest lands", as herein defined, shall make report of the same to the Tax Assessor of Lee County, Alabama, at the time fixed by law for making return of the property of such property owned. Financial charges levied shall constitute a lien on the property against which they are charged in cases of default in the payment of such financial charge.

Section 3. The County governing body of Lee County is authorized to appoint agents and delegate authority to individuals to search out forest lands in Lee County, to determine the area and owners thereof, and report the same to the Tax Assessor of Lee County who shall be authorized, after notice by mail to such owners, and hearing before the County governing body, if so requested by such owners, to place said financial charge against the said forest lands as may be determined by the report of such agents or the determination of said County governing body. It shall be the responsibility of the Tax Assessor of Lee County to establish such rules and regulations as are necessary to administer the provisions of this Act.

Section 4. The financial charge herein imposed shall be due and payable to the Tax Collector of Lee County, and shall, when collected, be paid to the Treasurer of Lee County. All monies collected in accordance with this Act shall be spent in participating in the Alabama Forestry Commission's forest protection program in Lee county.

Section 5. The County Commission of Lee County is authorized to remove such financial charge after said County Commission has determined that the financial charge is no longer needed. The County Commission shall hold public hearings to determine whether or not the financial charge is still needed. Procedures for such public hearings shall be the same as those in Section 3 of this Act.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately, following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-506

H. 818—Rep. White (L)

AN ACT

Relating to Tallapoosa County; amending Act No. 79-565, S. 200, 1979 Regular Session, which provides for a pistol permit fee in the county, so as to provide further for said fee.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act No. 79-565, S. 200, 1979 Regular Session, are hereby amended to read as follows:

“Section 1. In Tallapoosa County in addition to any fee or fees provided for by law there shall be an additional issuance fee for a pistol permit or license as provided for in Section 13-6-155, Code of Alabama 1975, in the amount of ten dollars.

“Section 2. Two dollars of each fee collected under Section 1 of this act shall be paid into the county general fund and the remaining eight dollars of each fee shall be deposited by the sheriff of the county in any bank located in the county, into a fund known as the sheriff's law enforcement fund. Such fund shall be drawn upon by the sheriff or his duly authorized agent and shall be used exclusively for law enforcement purposes.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-507

H. 830—Rep. Minus

AN ACT

Relating to Greene County; amending Section 1 of Act No. 376, H. 1040, Regular Session 1975 (Acts 1975, p. 926), relating to the creation, composition, appointment and terms of the Greene County Racing Commission, so as to provide that the Governor shall make such appointments and increases the term of office.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 376 of the 1975 Legislature of Alabama is hereby amended to read as follows:

“Section 1. The Greene County Racing Commission is hereby created and established and is vested with the powers and duties specified in this Act, and all other powers necessary and proper to enable it to execute fully and effectually the purposes of this Act. The official name of the said Commission shall be Greene County Racing Commission, the same being sometimes referred to herein as the Racing Commission or the Commission. Said Commission shall consist of three (3) persons who shall be appointed by the Governor. Each such member shall hold office for a term of eight (8) years from the effective date of the appointment; provided, however, the term of office of the present three (3) Commissioners shall expire three (3) years after their last appointment. If a vacancy occurs for any reason, then that position shall be filled for the unexpired term and that Commissioner shall be chosen in the same manner as other Commissioners are appointed. All books, records, maps, documents and papers shall constitute public records, and be available for copying, examination and inspection during all normal business hours by any agency, official or personnel.”

Section 2. The provisions of this Act are severable. In the event any section, sentence, clause, or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses, or portions of this Act, which shall continue effective.

Section 3. This Act shall become effective immediately upon its passage and approval of the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

AN ACT

To provide that a Restitution Order in a criminal case be a Final Judgment and have all of the force and effect of a Final Judgment in a civil action under the laws of the State of Alabama; to provide that the victim of a crime to whose benefit restitution is ordered, or anyone acting on behalf of said victim, shall have all of the rights and remedies granted a plaintiff in a civil action under the laws of this state together with any other right or remedy pertaining to restitution orders in criminal codes.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) A Restitution Order in a criminal case shall be a final judgment and have all the force and effect of a Final Judgment in a civil action under the laws of the State of Alabama. (b) The victim on whose behalf restitution is ordered, the executor or administrator of the victim's estate, or anyone else acting on behalf of the victim, shall be entitled to all the rights and remedies to which a plaintiff would be entitled in a civil action under the laws of this state as well as any other right or remedy pertaining to such restitution order as may be provided by law.

Section 2. (a) The provisions of this Act shall be read and deemed in pari materia with other provisions of law.

(b) Provided however, the provisions of this Act are cumulative and shall not be construed so as to deprive any victim of any other remedy or relief to which a victim may now or hereafter be entitled pursuant to law.

Section 3. The provisions of this Act are severable. If any portion of this Act shall be declared invalid by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Act.

Section 4. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-509

H. 280—Rep. Freeman

AN ACT

To provide for an additional seven workday delay in the payment of salaries to employees of the state of Alabama so that the said salaries will be paid biweekly two weeks in arrears.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-6-1 of the Code of Alabama 1975, is hereby amended as follows:

“Section 36-6-1.

“(a) For the purpose of this Act the word “employee” shall be defined as (1) everyone in the classified, exempt, or unclassified service of the state as defined in §36-26-10 of the Code of Alabama 1975, (2) legislative personnel, officers and employees, Legislative Reference Service personnel, and Legislative Fiscal Office personnel, (3) all court officials and employees of the Unified Judicial System serving the trial courts, (4) employees of the Administrative Office of Courts paid on a biweekly basis, and (5) all hourly personnel who are considered to be permanent employees.

“(b) Every state employee whether subject to the state merit system or not shall be paid biweekly two weeks in arrears except that elected officials and appointees whose pay is based on an annual salary for the position held shall be payable in equal semi-monthly installments on the 15th and the last day of each month effective October 1, 1983. Unpaid salaries shall be paid upon the expiration of the appointment or term of office.

“(c) Beginning with salary payments made on Friday, January 6, 1984, all employees shall be paid two weeks in arrears. The salary payment made on January 6, 1984, shall be for the biweekly period ending on December 23, 1983, and shall include payment for three workdays accrued, to wit, December 21, 22, and 23, 1983, and seven workdays which the state shall assume upon an employee's termination as provided in paragraph (d). No employee in state service on December 20, 1983, shall miss a scheduled payday under this plan.

“(d) Only a full-time employee hired on or before December 20, 1983, will, upon termination of his or her employment with the state, be entitled to the seven days assumed by the state if the employee has five years of continuing service.

“(e) Persons appointed on or after December 21, 1983, shall be paid two weeks in arrears (excluding elected officers or appointees).

“(f) Where the day on which salaries are payable is a holiday, such salaries shall be payable on the last workday preceding such holiday.

“(g) Leave accrual dates will be moved from Tuesday to Friday, and no sick or annual leave will be earned for this three-day period.

“(h) The state comptroller will revise procedures to implement changes included in this Act.”

Section 2. The provisions of this Act are severable. If any part of this Act is held to be invalid or unconstitutional, such holding shall not affect the parts which remain.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-510

H. 446—Rep. Johnson (Roy)

AN ACT

Relating to public education in this state, to require instruction in cardiopulmonary resuscitation as part of the health curriculum for all tenth grade students in Alabama's public schools, effective September 1, 1983, in certain school systems, and effective September 1, 1984, in all school systems.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective upon the effective dates of this act, all students enrolled in health classes in the tenth grade in the public schools of Alabama shall receive instruction in the techniques of cardiopulmonary resuscitation, hereinafter referred to as "CPR."

Section 2. (a) The state department of education shall administer the CPR instruction program and be responsible for the training of personnel, and shall provide proper CPR training for teacher personnel from September 1, 1983, to be completed by September 1, 1984.

(b) CPR training programs for instructors shall continue after this period of time to provide for refresher courses and updating of new techniques and information. Specific personnel within local school districts are required to receive training and be certified prior to providing classroom instruction.

(c) In those school systems which have trained and certified personnel available, classroom instruction shall begin as of September 1, 1983. Teaching materials and training courses provided by the American Heart Association and similar organizations may be utilized.

Section 3. All persons providing instruction in cardiopulmonary resuscitation shall be certified as CPR instructors by the American Heart Association or the American Red Cross.

Section 4. Standards utilized in the instruction of CPR shall

be those prescribed by the American Heart Association or the American Red Cross.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective September 1, 1983, in those school systems described in Section 2(c) and in all systems by September 1, 1984.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-511

H. 142—Reps. Carothers, Johnson (R. G.),
Martin, Scott, Starkey, Biddle

AN ACT

To amend Act 82-328 to conform with other states in the Southeast Interstate Low-Level Radioactive Waste *Management Compact* and to change the effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 82-328 is amended as follows:

Section 1. The Southeast Interstate Low-Level Radioactive Waste Management Compact is hereby enacted into law and entered into by the State of Alabama with any and all states legally joining therein in accordance with its terms, in the form substantially as follows: "SOUTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT"

ARTICLE I. POLICY AND PURPOSE

There is hereby created the Southeast Interstate Low-Level Radioactive Waste Management Compact. The party states recognize and declare that each state is responsible for providing for the availability of capacity either within or outside the state for disposal of low-level radioactive waste generated within its borders, except for waste generated as a result of defense activities of the federal government or federal research and development activities. They also recognize that the management of low-level radioactive waste is handled most efficiently on a regional basis. The party states further recognize that the Congress of the United States, by enacting the Low-Level Radioactive Waste Policy Act (P.L. 96-573), has provided

for and encouraged the development of low-level radioactive waste compacts as a tool for *disposal* of such waste. The party states recognize that the safe and efficient management of low-level radioactive waste generated within the region requires that sufficient capacity to *dispose* of such waste be properly provided.

It is the policy of the party states to: enter into a regional low-level radioactive waste management compact for the purpose of providing the instrument and framework for a cooperative effort, provide sufficient facilities for the proper management of low-level radioactive waste generated in the region, promote the health and safety of the region, limit the number of facilities required to effectively and efficiently manage low-level radioactive waste generated in the region, encourage the reduction of the amounts of low-level waste generated in the region, distribute the costs, benefits and obligations of successful low-level radioactive waste management equitably among the party states, and ensure the ecological and economical management of low-level radioactive wastes.

Implicit in the Congressional consent to this Compact is the expectation by the Congress and the party states that the appropriate federal agencies will actively assist the Compact Commission and the individual party states to this Compact by:

1. expeditious enforcement of federal rules, regulations and laws; and
2. imposition of sanctions against those found to be in violation of federal rules, regulations and laws; and
3. timely inspection of their licensees to determine their capability to adhere to such rules, regulations and laws; and
4. timely provision of technical assistance to this Compact in carrying out their obligations under the Low-Level Radioactive Waste Policy Act as amended.

ARTICLE II. DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

- a. "Commission" or "Compact Commission" means the Southeast Low-Level Radioactive Waste Management Commission.
- b. "facility" means a parcel of land, together with the structures, equipment and improvements thereon or appurtenant thereto, which is used or is being developed for the treatment, storage or disposal of low-level radioactive waste.
- c. "generator" means any person who produces or possesses low-level radioactive waste in the course of or as an incident to man-

ufacturing, power generation, processing, medical diagnosis and treatment, research, or other industrial or commercial activity. This does not include persons who provide a service to generators by arranging for the collection, transportation, storage or disposal of wastes with respect to such waste generated outside the region.

d. "high-level waste" means irradiated reactor fuel, liquid wastes from reprocessing irradiated reactor fuel and solids into which such liquid wastes have been converted, and other high-level radioactive waste as defined by the U.S. Nuclear Regulatory Commission.

e. "host state" means any state in which a regional facility is situated or is being developed.

f. "low-level radioactive waste" or "waste" means radioactive waste, not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel or by-product material as defined in section 11e. (2) of the Atomic Energy Act of 1954, or as may be further defined by federal law or regulation.

g. "party state" means any state which is a signatory party to this compact.

h. "person" means any individual, corporation, business enterprise or other legal entity (either public or private).

i. "region" means the collective party states.

j. "regional facility" means (1) a facility as defined in this Article which has been designated, authorized, accepted or approved by the Commission to receive waste or (2) the disposal facility in Barnwell County, South Carolina, owned by the State of South Carolina and as licensed for the burial of low-level radioactive waste on July 1, 1982, but in no event shall this disposal facility serve as a regional facility beyond December 31, 1992.

k. "state" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands or any other territorial possession of the United States.

l. "transuranic wastes" means waste material containing transuranic elements with contamination levels as determined by the regulations (1) of the U.S. Nuclear Regulatory Commission or (2) any host state, if it is an agreement state under section 274 of the Atomic Energy Act of 1954.

m. "waste management" means the storage, treatment or disposal of waste.

ARTICLE III. RIGHTS AND OBLIGATIONS

The rights granted to the party states by this Compact are ad-

ditional to the rights enjoyed by sovereign states, and nothing in this Compact shall be construed to infringe upon, limit or abridge those rights.

a. Subject to any license issued by the U.S. Nuclear Regulatory Commission or a host state each party state shall have the right to have all wastes generated within its borders stored, treated, or disposed of, as applicable, at regional facilities, and additionally shall have the right of access to facilities made available to the region through agreements entered into by the Commission pursuant to Article IVe.9. The right of access by a generator within a party state to any regional facility is limited by its adherence to applicable state and federal law and regulation.

b. If no operating regional facility is located within the borders of a party state and the waste generated within its borders must therefore be stored, treated, or disposed of at a regional facility in another party state, the party state without such facilities may be required by the host state or states to establish a mechanism which provides compensation for access to the regional facility according to terms and conditions established by the host state or states and approved by a two-thirds vote of the Commission.

c. Each party state must establish the capability to regulate, license and ensure the maintenance and extended care of any facility within its borders. Host states are responsible for the availability, the subsequent post-closure observation and maintenance, and the extended institutional control of their regional facility, in accordance with the provisions of Article V, section b.

d. Each party state must establish the capability to enforce any applicable federal or state laws and regulations pertaining to the packaging and transportation of waste generated within or passing through its borders.

e. Each party state must provide to the Commission on an annual basis, any data and information necessary to the implementation of the Commission's responsibilities. Each party state shall establish the capability to obtain any data and information necessary to meet its obligations herein defined.

f. Each party state must, to the extent authorized by federal law, require generators within its borders to use the best available waste management technologies and practices to minimize the volumes of waste requiring disposal.

ARTICLE IV. THE COMMISSION

a. There is hereby created the Southeast Interstate Low-Level Radioactive Waste Management Commission, ("the Commission" or

"Compact Commission"). The Commission shall consist of two voting members from each party state to be appointed according to the laws of each state. The appointing authorities of each state must notify the Commission in writing of the identity of its members and any alternates. An alternate may act on behalf of the member only in the member's absence.

b. Each Commission member is entitled to one vote. No action of the Commission shall be binding unless a majority of the total membership cast their vote in the affirmative, or unless a greater than majority vote is specifically required by any other provision of this Compact.

c. The Commission must elect from among its members a presiding officer. The Commission shall adopt and publish, in convenient form, by-laws which are consistent with this compact.

d. The Commission must meet at least once a year and shall also meet upon the call of the presiding officer, by petition of a majority of the party states, or upon the call of a host state. All meetings of the Commission must be open to the public.

e. The Commission has the following duties and powers:

1. to receive and approve the application of a non-party state to become an eligible state in accordance with Article VII b.; and,

2. to receive and approve the application of an eligible state to become a party state in accordance with Article VII c.; and

3. to submit an annual report and other communications to the governors and to the presiding officer of each body of the legislature of the party states regarding the activities of the Commission; and

4. to develop and use procedures for determining, consistent with considerations for public health and safety, the type and number of regional facilities which are presently necessary and which are projected to be necessary to manage waste generated within the region; and

5. to provide the party states with reference guidelines for establishing the criteria and procedures for evaluating alternative locations for emergency or permanent regional facilities; and

6. to develop and adopt within one year after the Commission is constituted as provided for in Article VII, section d., procedures and criteria for identifying a party state as a host state for a regional facility as determined pursuant to the requirements of this Article. In accordance with these procedures and criteria, the Commission shall identify a host state for the development of a second regional disposal facility within three years after the Commission is consti-

tuted as provided for in Article VII, section d. and shall seek to ensure that such facility is licensed and ready to operate as soon as required but in no event later than 1991.

In developing criteria, the Commission must consider the following: the health, safety, and welfare of the citizens of the party states; the existence of regional facilities within each party state; the minimization of waste transportation; the volumes and types of waste generated within each party state; and the environmental, economic and ecological impacts on the air, land, and water resources of the party states.

The Commission shall conduct such hearings; require such reports, studies, evidence and testimony; and do what is required by its approved procedures in order to identify a party state as a host state for a needed facility; and

7. in accordance with the procedures and criteria developed pursuant to section e.6. of this Article, to designate, by a two-thirds vote, a host state for the establishment of a needed regional facility. The Commission shall not exercise this authority unless the party states have failed to voluntarily pursue the development of such facility. The Commission shall have the authority to revoke the membership of a party state that willfully creates barriers to the siting of a needed regional facility; and

8. to require of and obtain from party states, eligible states seeking to become party states, and non-party states seeking to become eligible states, data and information necessary to the implementation of Commission responsibilities; and

9. notwithstanding any other provision of this Compact, to enter into agreements with any person, state, or similar regional body or group of states for the importation of waste into the region and for the right of access to facilities outside the region for waste generated within the region. The authorization to import requires a two-thirds majority vote of the Commission, including an affirmative vote of both representatives of a host state in which an affected regional facility is located. This shall be done only after an assessment of the affected facilities' capability to handle such wastes; and

10. to act or appear on behalf of any party state or states, only upon written request of both members of the Commission for such state or states, as an intervenor or party in interest before Congress, state legislatures, any court of law, or any federal, state or local agency, board of commission which has jurisdiction over the management of wastes. The authority to act, intervene or otherwise appear shall be exercised by the Commission only after approval by a majority vote of the Commission; and

11. to revoke the membership of a party state in accordance with Article VII f.; and

f. The Commission may establish any advisory committees as it deems necessary for the purpose of advising the Commission on any matters pertaining to the management of low-level radioactive waste.

g. The Commission may appoint or contract for and compensate a limited staff necessary to carry out its duties and functions. The staff shall serve at the Commission's pleasure irrespective of the civil service, personnel or other merit laws of any of the party states or the federal government and shall be compensated from funds of the Commission. In selecting any staff, the Commission shall assure that the staff has adequate experience and formal training to carry out such functions as may be assigned to it by the Commission. If the Commission has a headquarters it shall be in a party state.

h. Funding for the Commission shall be provided as follows:

1. each eligible state, upon becoming a party state, shall pay \$25,000 to the Commission which shall be used for costs of the Commission's services.

2. each state hosting a regional disposal facility shall annually levy special fees or surcharges on all users of such facility, based upon the volume of wastes disposed of at such facilities, the total of which:

(a) must be sufficient to cover the annual budget of the Commission; and

(b) must represent the financial commitments of all party states to the Commission; and

(c) must be paid to the Commission, provided, however, that each host state collecting such fees or surcharges may retain a portion of the collection sufficient to cover its administrative costs of collection, and that the remainder be sufficient only to cover the approved annual budgets of the Commission.

3. The Commission must set and approve its first annual budget as soon as practicable after its initial meeting. Host states for disposal facilities must begin imposition of the special fees and surcharges provided for in this section as soon as practicable after becoming party states, and must remit to the Commission funds resulting from collection of such special fees and surcharges within 60 days of their receipt.

i. The Commission must keep accurate accounts of all receipts and disbursements. An independent certified public accountant shall annually audit all receipts and disbursements of Commission

funds, and submit an audit report to the Commission. Such audit report shall be made a part of the annual report of the Commission required by Article IV e.3.

j. The Commission may accept for any of its purposes and functions any and all donations, grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. The nature, amount and condition, if any, attendant upon any donation or grant accepted pursuant to this paragraph together with the identity of the donor, grantor or lender, shall be detailed in the annual report of the Commission.

k. The Commission is not responsible for any costs associated with (1) the creation of any facility, (2) the operation of any facility, (3) the stabilization and closure of any facility, (4) the post-closure observation, and maintenance of any facility, (5) the extended institutional control, after post-closure observation and maintenance of any facility.

1. As of January 1, 1986, the management of wastes at regional facilities is restricted to wastes generated within the region, and to wastes generated within non-party states when authorized by the Commission pursuant to the provisions of this Compact. After January 1, 1986, the Commission may prohibit the exportation of waste from the region for the purpose of management.

m. 1. The Commission herein established is a legal entity separate and distinct from the party states, capable of acting in its own behalf, and is liable for its actions. Liabilities of the Commission shall not be deemed liabilities of the party states. Members of the Commission shall not be personally liable for action taken by them in their official capacity.

2. Except as specifically provided in this Compact nothing in this Compact shall be construed to alter the incidence of liability of any kind for any act, omission, course of conduct, or on account of any casual or other relationships. Generators, transporters of wastes, owners and operators of sites shall be liable for their acts, omissions, conduct, or relationships in accordance with all laws relating thereto.

ARTICLE V. DEVELOPMENT AND OPERATION OF FACILITIES

a. Any party state which becomes a host state in which a regional facility is operated, shall not be designated by the Compact Commission as a host state for an additional regional facility until

each party state has fulfilled its obligation, as determined by the Commission, to have a regional facility operated within its borders.

b. A host state desiring to close a regional facility located within its borders may do so only after notifying the Commission in writing of its intention to do so and the reasons therefore. Such notification shall be given to the Commission at least four years prior to the intended date of closure. Notwithstanding the four-year notice requirement herein provided, a host state is not prevented from closing its facility or establishing conditions of its use and operations as necessary for the protection of the health and safety of its citizens. A host state may terminate or limit access to its regional facility if it determines that Congress has materially altered the conditions of this compact.

c. Each party state designated as a host state for regional facility shall take appropriate steps to ensure that an application for a license to construct and operate a facility of the designated type is filed with and issued by the appropriate authority.

d. No party state shall have any form of arbitrary prohibition on the treatment, storage or disposal of low-level radioactive waste within its borders.

ARTICLE VI. OTHER LAWS AND REGULATIONS

a. Nothing in this compact shall be construed to:

1. abrogate or limit the applicability of any act of Congress or diminish or otherwise impair the jurisdiction of any federal agency expressly conferred thereon by the Congress;

2. abrogate or limit the regulatory responsibility and authority of the U.S. Nuclear Regulatory Commission or of an agreement state under section 274 of the Atomic Energy Act of 1954 in which a regional facility is located.

3. make inapplicable to any person or circumstance any other law of a party state which is not inconsistent with this compact;

4. make unlawful the continued development and operation of any facility already licensed for development or operation on the date this Compact becomes effective, except that any such facility shall comply with Article III, Article IV and Article V and shall be subject to any action lawfully taken pursuant thereto;

5. prohibit any storage or treatment of waste by the generator on its own premises;

6. affect any judicial or administrative proceeding pending on the effective date of this compact;

7. alter the relations between, and the respective internal re-

sponsibilities of, the government of a party state and its subdivisions;

8. affect the generation, treatment, storage or disposal of waste generated by the atomic energy defense activities of the Secretary of the U.S. Department of Energy or Federal research and development activities as defined in P.L. 96-573;

9. affect the rights and powers of any party state and its political subdivisions to regulate and license any facility within its borders or to affect the rights and powers of any party state and its political subdivisions to tax or impose fees on the waste managed at any facility within its borders.

b. No party state shall pass any law or adopt any regulation which is inconsistent with this Compact. To do so may jeopardize the membership status of the party state.

c. Upon formation of the Compact, no law or regulation of a party state or any subdivision or instrumentality thereof may be applied so as to restrict or make more inconvenient access to any regional facility by the generators of another party state than for the generators of the state where the facility is situated.

d. Restrictions of waste management of regional facilities pursuant to Article IV 1. shall be enforceable as a matter of state law.

ARTICLE VII. ELIGIBLE PARTIES, WITHDRAWAL, REVOCATION, ENTRY INTO FORCE, TERMINATION

a. This Compact shall have an initially eligible parties the States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

b. Any state not expressly declared eligible to become a party state to this Compact in section a. of this article may petition the Commission, once constituted, to be declared eligible. The Commission may establish such conditions as it deems necessary and appropriate to be met by a state wishing to become eligible to become a party state to this Compact pursuant to the provisions of this section. Upon satisfactorily meeting such conditions and upon the affirmative vote of two-thirds of the Commission, including the affirmative vote of both representatives of a host state in which any affected regional facility is located, the petitioning state shall be eligible to become a party state to this Compact and may become a party state in the same manner as those states declared eligible in section a. of this Article.

c. Each state eligible to become a party state to this Compact shall be declared a party state upon enactment of this Compact into law by the state and upon payment of the fees required by Article

IV h.1. The Commission shall be the judge of the qualifications of the party states and of its members and of their compliance with the conditions and requirements of this Compact and the laws of the party states relating to the enactment of this Compact.

d. 1. The first three states eligible to become party states to this Compact which enact this Compact into law and appropriate the fees required by Article IV h.1. shall immediately, upon appointment of their Commission members, constitute themselves as the Southeast Low-Level Radioactive Waste Management Commission, shall cause legislation to be introduced in the Congress which grants the consent of the Congress to this Compact, and shall do those things necessary to organize the Commission and implement the provisions of this Compact.

2. All succeeding states eligible to become party states to this Compact shall be declared party states pursuant to the provisions of section c. of this Article.

3. The consent of the Congress shall be required for full implementation of this Compact. The provisions of Article V, section d. shall not become effective until the effective date of the import ban authorized by Article IV, section 1. as approved by Congress. The Congress may by law withdraw its consent only every five years.

e. No state which holds membership in any other regional compact for the management of low-level radioactive waste may be considered by the Compact Commission for eligible state status or party state status.

f. Any party state which fails to comply with the provisions of this Compact or to fulfill the obligations incurred by becoming a party state to this Compact may be subject to sanctions by the Commission, including suspension if its rights under this Compact and revocation of its status as a party state. Any sanction shall be imposed only on the affirmative vote of at least two-thirds of the Commission members. Revocation of party state status may take effect on the date of the meeting at which the Commission approves the resolution imposing such sanction, but in no event shall revocation take effect later than 90 days from the date of such meeting. Rights and obligations incurred by being declared a party state to this Compact shall continue until the effective date of the sanction imposed or as provided in the resolution of the Commission imposing the sanction.

The Commission must, as soon as practicable after the meeting at which a resolution revoking status as a party state is approved, provide written notice of the action along with a copy of the resolution to the governors, the presidents of the senates, and the speakers

of the house of representatives of the party states, as well as chairmen of the appropriate committees of the Congress.

g. Any party state may withdraw from this Compact by enacting a law repealing the Compact, provided that if a regional facility is located within such state, such regional facility shall remain available to the region for four years after the date the Commission receives notification in writing from the governor of such party state for the rescission of the Compact. The Commission, upon receipt of the notification, shall as soon as practicable provide copies of such notification to the governors, the presidents of the senates, and the speakers of the house of representatives of the party states as well as the chairman of the appropriate committees of the Congress.

h. This Compact may be terminated only by the affirmative action of the Congress or by the rescission of all laws enacting the Compact in each party state.

ARTICLE VIII. PENALTIES

a. Each party state, consistently with its own law, shall prescribe and enforce penalties against any person not an official of another state or violation of any provision of this Compact.

b. Each party state acknowledges that the receipt by a host state of waste packaged or transported in violation of applicable laws and regulations can result in imposition of sanctions by the host state which may include suspension or revocation of the violator's right of access to the facility in the host state.

ARTICLE IX. SEVERABILITY AND CONSTRUCTION

The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared by a court of competent jurisdiction to be contrary to the Constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any *other* government, agency, person or circumstance shall be affected thereby. If any provision of this Compact shall be held contrary to the Constitution of any state participating therein, the Compact shall remain in full force and effect as to the state affected as to all severable matters. The provisions of this Compact shall be liberally construed to give effect to the purposes thereof.

Section 2. Section 2 of Act 82-328 is amended as follows:

Section 2. The Director of the Bureau of Radiological Health and the Director of the Department of Energy shall serve as members of the Southeast Interstate Low-Level Radioactive Waste Man-

agement Commission. As directors of departments or agencies of this state, they may designate a subordinate officer or employee of their department or agency to serve in this stead as permitted by Article IV (a) of the compact.

Section 3. Section 3 of Act 82-328 is amended as follows:

Section 3. The Department of Energy may accept gifts or grants of title to real property for establishing a low-level radioactive waste disposal site. Further, upon the determination by the Governor of the existence of a need for a site by Alabama citizens within the next five years, the Department of Energy may acquire title to real property by purchase, condemnation, or otherwise for the establishment of a low-level radioactive waste site. Such need may include designation of the State of Alabama as a host state for a low-level radioactive treatment, storage or disposal site by the Southeast Low-Level Radioactive Waste Management Commission.

Section 4. Section 4 of Act 82-328 is amended as follows:

Section 4. a. The Alabama Department of Energy is authorized to operate a treatment, storage or disposal site for low-level radioactive wastes pursuant to any license issued by the Radiation Control Agency.

The Alabama Department of Energy is authorized to charge each user of any licensed site within the state that users proportionate share of the costs for handling of the wastes. These costs shall be paid on the basis of a fee per volume of wastes received at each site. Such fee shall be paid to the Department of Energy and may include, but not be limited to costs of:

1. operating fund (as hereinafter provided for), including: labor and equipment, liability insurance, contingency costs, licensing and inspection fees of the Radiation Control Agency for operation of the site;
 2. perpetual cost funds costs (as hereinafter provided for);
 3. operating fund (as hereinafter provided for);
 4. state and county royalty fees (as hereinafter provided for);
- and
5. fees due for the Southeast Low-Level Radioactive Waste Management Commission.

If the department should collect more funds than costs, it may reduce the charges for the next year. The Department of Energy may not conduct any operations except in compliance with Title 22, Chapter 14, Code of Alabama.

- b. The Alabama Department of Energy may lease and/or con-

tract with any qualified person to operate and dispose of low-level radioactive wastes on land owned by the Department of Energy and if appropriate, using equipment owned by the Alabama Department of Energy. Any lease and/or contract shall provide for the payment of the Alabama Department of Energy for at least the following: State and county royalty fees as hereinafter provided for, and perpetual care fund hereinafter provided for. Further, the lease or contract shall provide for payment or establishment of the following: all licensing and inspection fees due the Radiation Control Agency, a faithful performance bond in the amount of \$2,000,000 to assure that adequate funds are available to close the site should the operator prematurely cease activities, 10 cents per cubic foot for the Alabama Department of Energy's administrative costs, a surety bond, liability insurance, and any fees due to the Southeast Low-Level Radioactive Waste Management Commission. No contract/or lease shall authorize the disposal of radioactive material until a license authorizing such is issued by the Radiation Control Agency to the contractor-leasor. Any contract or lease shall require the contractor-leasor to comply with the requirements of Title 22, Chapter 14, Code of Alabama.

Section 5. Section 5.b.3. of Act 82-328 is amended as follows:

Section 5.b.3. A percentage shall be deposited with the State Treasurer in the Southeast Low-Level Radioactive Waste Management Commission Fund. This fund shall be used by the Alabama Department of Energy to pay Alabama's proportionate share of the annual budget of the Commission as provided in Section 1, Article IV, h. 2 and 3 of this act. The moneys in this fund may be carried over from one fiscal year to the next provided that any unencumbered funds in excess of \$50,000 on September 30 of each year shall revert to the Low-Level Radioactive Waste Operating Fund.

Section 6. Section 5.c. of Act 82-328 is amended as follows:

Section 5.c. There is hereby appropriated from the general fund \$25,000 to the Southeast Low-Level Radioactive Waste Management Commission upon conformation that Alabama is a party state as defined in the compact.

Section 7. Section 6 of Act 82-328 is amended as follows:

Section 6. The Radiation Control Agency may delegate to other agencies by Memorandum of Understanding all or part of their authority to stop, inspect, and enforce radiation safety regulations relating to the transport of low-level radioactive wastes.

Section 8. Section 11 of Act 82-328 is amended as follows:

Section 11. The provisions of this Act become effective August

15, 1983.

Section 9. Severability. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. Repealer. All laws or parts of laws which conflict with this Act are hereby repealed, except Act No. 83-194, approved March 30, 1983.

Section 11. Effective Date. This act shall become effective immediately after its passage and approval by the Governor or after its otherwise becoming law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-512

S. 373—Senator Aldridge

AN ACT

The purpose of this bill is to amend Sections 12-16-34 and 12-16-37, Code of Alabama 1975, which sections related to jury commissions, jury commission clerks, and clerical assistance; to provide for their appointment, their compensation and to provide for the method by which claims shall be submitted to the State for payment; and to repeal all local laws and general bills of local application in conflict with the provisions in Article 2 of Title 12, Chapter 16, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-16-34, Code of Alabama 1975, is hereby amended to read as follows:

“Section 12-16-34. Compensation of members.

(a) Upon written order of the presiding circuit judge or his designee, the jury commission shall meet on such days as are required to replenish the number of names in the trial court jury box and to perform such other necessary duties as are related thereto. Each member of the jury commission shall be paid the sum of \$10.00 for each day he is actually engaged in the discharge of his duties pursuant to the order of the presiding circuit judge. The president of each jury commission shall submit all claims for compensation for its members along with a copy of the order of the presiding circuit judge to the Administrative Director of Courts. Claims shall be submitted on such forms as may be prescribed by the Administrative Director of Courts, and, if approved, shall be processed and paid by the state.

(b) The compensation of each member of the commission shall not exceed for any year of his term the following amounts:

- (1) In counties of 25,000 population or less, \$200.00;
- (2) In counties exceeding 25,000 and not exceeding 50,000 population, \$500.00;
- (3) In counties having a population of more than 50,000, but not more than 600,000, \$600.00; and
- (4) In counties having a population of more than 600,000, \$1,200.00.

Section 2. Section 12-16-37, Code of Alabama 1975, is hereby amended to read as follows:

“Section 12-16-37. Clerks of Commissions - Authority for employment Compensation; Clerical Assistance.

(a) The clerk of the circuit court in counties having a population of 60,000 or less according to the last federal census preceding his election or appointment, may elect to serve as clerk of the jury commission; provided that notice of his intent to serve as clerk for the commission shall be filed in writing with the presiding circuit judge and the Administrative Director of Courts within 30 days after assuming the duties of clerk of the circuit court. Provided that the provisions of this section shall not prohibit any clerk of the circuit court who is on the effective date of this Act serving as clerk of the jury commission or clerk of any similar body established by local law to act in lieu of the jury commission, from serving as clerk of the jury commission as provided in this Article, regardless of the population of their respective counties; all provisions to the contrary in subsection (b) of this section notwithstanding. Provided further that on the effective date of this Act, any clerk of the circuit court who is serving as clerk of the jury commission or clerk of any similar body established by local law to act in lieu of the jury commission, shall continue to serve as clerk of the jury commission, unless and until notice of their intent not to serve in such capacity is filed with the presiding circuit judge and the Administrative Director of Courts.

(b) In counties having a population of more than 60,000 according to the last or any subsequent federal census and in all other counties where the clerk of the circuit court does not serve as clerk of the jury commission, the commission shall employ a clerk who shall serve at the pleasure of the commission subject, however, to the election of the clerk of the circuit court to serve in such capacity as provided in subsection (a) of this section.

The clerk of the jury commission, whether he is the clerk of the court or not, shall be paid for his services rendered under the direction of the president of the commission, the sum of \$10.00 per day while actually engaged in performing his duties. All claims for ser-

vices rendered by the clerk of the jury commission shall be submitted to the Administrative Office of Courts by the president of the commission on such forms as may be prescribed by the Administrative Director of Courts. If approved, said claims shall be processed and paid by the state.

Section 3. If in any county there exists any board of similar body consisting of three appointed members or less which was established by local law to act in lieu of the jury commission as provided in this Article, such board or commission members may elect to automatically become members of the jury commission during the unexpired term of the Governor; provided, that such election shall be made in writing within thirty days of the effective date of this Act, and filed with the Secretary of State and the Administrative Director of Courts; provided further, that the provisions of this section shall apply only to those persons wishing to be members of the jury commission who meet all the qualifications as provided in Section 12-16-31.

Section 4. No full-time clerical employee of any jury commission or similar body established by local law to act in lieu of the jury commission shall be terminated from full-time employment as a result of the provisions of this Act. Provided further that any full-time clerical employee of any body which is acting in lieu of the jury commission shall, on the effective date of this Act, become the full-time employee of the jury commission of that respective county and shall be under the direction of said commission.

Section 5. All local laws and general bills of local application in conflict with or contrary to the provisions of Article 2 of Title 12, Chapter 16, Code of Alabama 1975, are hereby repealed, provided, however, that after the effective date of this Act, no jury commissioner appointed pursuant to Section 12-16-32, shall have his or her salary diminished during their current term of office and any county that is prior to the effective date of this Act, paying a salary supplement pursuant to a local law shall continue paying such supplement, but only during the remainder of the jury commissioners' present terms; and in no event shall any such local supplements be authorized after January 18, 1987. Provided further that the compensation for any circuit court clerk for services rendered as clerk of the jury commission or clerk of any similar body established by local law to act in lieu of the jury commission, shall not be reduced during their tenure as circuit clerk, so long as they serve as clerk of the jury commission.

Section 6. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 7. The provisions of this Act shall become effective 30 days after its passage and approval by the Governor, or after its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-513

S. 127—Senators Smith J., Harrison,
Kirkland and Hilliard

AN ACT

To be known as "The Alabama Limited Partnership Act of 1983" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: general provisions; formation, certificate of limited partnership, amendment to certificate, cancellation of certificate and filing of certificate; limited partners; general partners; finance; distribution and withdrawal; assignment of partnership interest; dissolution; foreign limited partnerships; derivative actions; and to prescribe the powers, authority and duties of such limited partnerships, and of the limited and general partners thereof; repealing § 10-9-1 through § 10-9-5; § 10-9-20 through § 10-9-28; § 10-9-40 through § 10-9-52; § 10-9-70; § 10-9-80; § 10-9-90; § 10-9-110 through § 10-9-129; and § 10-9-140 through § 10-9-147, Code of Alabama (1975), and amending § 10-9-91, Code of Alabama (1975) to provide as to the circumstances in which this act applies to limited partnerships formed prior to the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

ARTICLE I

GENERAL PROVISIONS

§ 101. Definitions. As used in this Act, unless the context otherwise requires:

(1) "Certificate of limited partnership" means the certificate referred to in Section 201, as that certificate is amended from time to time.

(2) "Contribution" means and includes any cash, property, or services rendered, or a promissory note or other binding obligation to pay cash or convey property or render services which a partner contributes as capital to a limited partnership in his capacity as a partner.

(3) "Event of withdrawal of a general partner" means an event that causes the withdrawal of a general partner under Section 402.

(4) "Foreign limited partnership" means a partnership formed under the laws of any state other than the State of Alabama or under the laws of a foreign country and having as partners one or more general partners and one or more limited partners.

(5) "General partner" means a person who has been admitted to a limited partnership as a general partner in accordance with the partnership agreement and who is named in the certificate of limited partnership as a general partner.

(6) "Limited partner" means a person who has been admitted to a limited partnership as a limited partner in accordance with the partnership agreement and who is named in the certificate of limited partnership as a limited partner.

(7) "Limited partnership" and "domestic limited partnership" mean a partnership formed by two or more persons under the laws of this State and having one or more general partners and one or more limited partners.

(8) "Partner" means any limited partner or general partner.

(9) "Partnership agreement" means a valid written or oral agreement of the partners as to the affairs of a limited partnership and the conduct of its business.

(10) "Partnership interest" means a partner's share of the capital and profits and losses of a limited partnership, the right to receive distributions of partnership assets, and the right to receive any allocation of income, gain, loss, deduction, credit or similar items, and is personal property.

(11) "Person" means a natural person or (whether domestic or foreign) a partnership, limited partnership, custodianship, trust, estate, association or corporation or (whether such status is created by the laws of Alabama or another state or foreign country) trustee, executor, administrator, custodian, fiduciary (as defined in § 19-3-150) or person performing in any similar capacity.

(12) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

§ 102. Name.

The name of each limited partnership organized after the effective date of this Act, or the name adopted by any other limited partnership after such date, as set forth in its certificate of limited partnership:

(1) shall contain the word "Limited" or its abbreviation "Ltd.";

(2) may not contain the name of a limited partner unless (i) it is also the name of a general partner, or (ii) the business of the limited partnership had been carried on under that name before the admission of that limited partner; and

(3) may not contain the following words; "bank," "banking," "banker," "trust," "insurance," "insurer," "corporation," "incorporated," or any abbreviation of such words.

§ 103. Specified Office and Agent; Report to the Secretary of State.

(a) Each limited partnership shall continuously maintain in this State:

(1) an office, which may but need not be a place of its business in this State, at which shall be kept the records required by Section 105 to be maintained; and

(2) an agent for service of process on the limited partnership, which agent must be an individual resident of this State, a domestic corporation, or a foreign corporation authorized to do business in this State.

(b) Each limited partnership organized under the laws of this State, whether organized before or after the effective date of this Act, shall file with the office of the Secretary of State, within the time prescribed in this Act, a report setting forth:

(1) the name of the partnership;

(2) the county in which its certificate of limited partnership is filed;

(3) its principal place of business in this State;

(4) the address of the office required to be maintained under subparagraph (a)(1) hereof; and

(5) the name of and address of the agent for service of process required to be maintained under subparagraph

(a)(2) hereof.

(c) In the case of limited partnerships formed prior to the effective date of this Act, such report shall be delivered to the Secretary of State within one year following such effective date. In the case of limited partnerships organized under this Act after such effective date, such report shall be delivered to the Secretary of State within thirty (30) days of the date of certificate of limited partnership is filed with the office of the Probate Judge in the county in which its certificate of limited partnership is filed. Proof to the satisfaction of the Secretary of State that prior to the due date for the filing of such report, it was deposited in the United States mail, in a sealed envelope, properly addressed, with postage prepaid, shall be deemed compliance with this requirement. If the Secretary of State finds that such report conforms to the requirement of this Act, he shall file the same. If he finds that it does not so conform, he shall

promptly return the same to the limited partnership for any necessary corrections, in which event no penalties hereinafter prescribed for failure to file such report within the time hereinabove provided shall apply, if such report is corrected to conform to the requirements of this Act and returned to the Secretary of State within 30 days from the date on which it was mailed to the partnership by the Secretary of State.

(d) The Secretary of State shall charge and collect a fee of Five Dollars, payable to the State of Alabama, for filing the report required hereunder or for filing any statement of change under this section.

(e) Any limited partnership that fails or refuses to file its report required hereunder within 30 days after the receipt of written notice from the Secretary of State of its failure to file such report, shall be subject to a penalty of Fifty Dollars, payable to the State of Alabama.

(f) The Secretary of State shall keep an alphabetical list of domestic limited partnerships whose reports have been filed in his office and of foreign limited partnerships which have registered in this State, together with the data contained in said annual reports or applications for registration as a foreign limited partnership.

(g) Whenever there is any change with respect to the information set forth in such report of any limited partnership, it shall within thirty days of such change file a statement of the change with the office of the Secretary of State. The requirement of filing any such change with the office of the Secretary of State is in addition to any requirement of filing an amendment to the certificate of limited partnership imposed under Section 202 hereof. No change in the designation of the agent for service of process required to be maintained under subparagraph (a)(2) hereof shall be deemed effective until a statement of such change has been filed with the office of the Secretary of State, designating a new agent for service of process together with such agent's street address. Until such statement of change is filed, service of process upon the previously designated agent for service of process shall continue to be effective.

(h) Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a partnership in any other manner now or hereafter permitted by law.

§104. Records to be Kept; Right of Inspection.

Each limited partnership shall keep at the office referred to in Section 104(a)(1) the following: (1) a current list of the full name and last known business or residence address of each partner (which

address shall be a street address), (2) a copy of the certificate of limited partnership and all certificates of amendment thereto, together with executed copies of any powers of attorney pursuant to which any certificate has been executed, (3) copies of the limited partnership's federal, state, and local income tax returns and reports, if any for the 3 most recent years, and (4) copies of any then effective written partnership agreements and of any financial statements of the limited partnership for the 3 most recent years. Those records, and any other books and records of the partnership, wherever situated, are subject to inspection and copying at the reasonable request, and at the expense, of any partner during ordinary business hours. Any agent or general partner of a partnership who, without reasonable cause, refuses to allow any partner or his agent or attorney, so to inspect or copy any books or records of the partnership, for any proper purpose, shall be personally liable to such partner for a penalty of an amount not to exceed 10 percent of the fair value of the partnership interest of such partner, in addition to any other damages or remedy.

§ 105. Nature of Business.

A limited partnership may carry on any business that a partnership without limited partners may carry on except banking or insurance business.

§ 106. Business Transactions of Partner With the Partnership.

Except as provided in the partnership agreement, a partner may lend money to and transact other business with the limited partnership and, subject to other applicable law, has the same rights and obligations with respect thereto as a person who is not a partner.

ARTICLE II

FORMATION: CERTIFICATE OF LIMITED PARTNERSHIP

§ 201. Certificate of Limited Partnership.

(a) In order to form a limited partnership two or more persons must execute a certificate of limited partnership. The certificate of limited partnership shall be delivered to the office of the Probate Judge of the county in which is located the office required to be maintained by § 104(a)(1). If the Probate Judge finds that the certificate of limited partnership substantially conforms to law, he shall, when all prescribed fees have been paid, file such certificate of limited partnership in his office. Such certificate of limited partnership shall set forth:

- (1) the name of the limited partnership;
- (2) the general character of its business;

(3) the street address of the office and the name and street address of the agent for service of process required to be maintained by Section 104;

(4) the name and the mailing address of each partner (specifying separately the general partners and limited partners);

(5) the amount of cash paid and a description and statement of the agreed value of the other property conveyed or services rendered and of any promissory note or other binding obligation to pay cash, convey property or render services in the future contributed by each partner in his capacity as partner to the capital of the partnership;

(6) the times at which or events on the happening of which any promissory note or other obligation to pay cash, convey property, or render services which any partner, in his capacity as partner, has contributed as capital to the limited partnership, is to be paid or performed and any additional contributions agreed to be made by each partner are to be made;

(7) any power of a limited partner to grant the right to become a limited partner to an assignee of any part of his partnership interest, and the terms and conditions of the power;

(8) if agreed upon, the time at which or the events on the happening of which a partner may terminate his membership in the limited partnership and the amount of, or the method of determining, the distribution to which he may be entitled respecting his partnership interest, and the terms and conditions of the termination and distribution;

(9) any right of a partner to receive distributions of property, including cash from the limited partnership;

(10) any right of a partner to receive, or of a general partner to make, distributions to a partner which include a return of all or any part of the partner's contribution;

(11) any time at which or events upon the happening of which the limited partnership is to be dissolved and its affairs wound up;

(12) any right of the remaining general partners to continue the business on the happening of an event of withdrawal of a general partner; and

(13) any other matters the partners determine to include therein.

(b) A limited partnership is formed at the time of the filing of the certificate of limited partnership in the office of the Probate Judge or at any later time specified in the certificate of limited part-

nership if, in either case, there has been substantial compliance with the requirements of this section. The acceptance and filing of the certificate of limited partnership by any Probate Judge of this State shall be conclusive evidence that there has been substantial compliance with the requirements of this section.

§ 202. Amendment to Certificate.

(a) A certificate of limited partnership is amended by filing a certificate of amendment thereto in the office of the Judge of Probate in whose office the certificate of limited partnership is filed. The certificate of amendment shall set forth:

- (1) the name of the limited partnership;
- (2) the date of filing of the certificate of limited partnership,
- (3) the amendment to the certificate.

(b) Within 30 days after the happening of any of the following events, the general partner or partners shall file or cause to be filed an amendment to a certificate of limited partnership reflecting the occurrence of such event or events;

(1) a change in the amount or character of the contribution of any partner, or in any partner's obligation to pay cash, convey property or render services which such partner has contributed as capital to the partnership, or in any agreement of a partner to make additional contributions;

(2) the admission of a new partner;

(3) the withdrawal of a partner; or

(4) the continuation of the business under Section 801 after an event of withdrawal of a general partner.

(c) A general partner who becomes aware that any statement in a certificate of limited partnership was false when made or that any arrangements or other facts described have changed, making the certificate inaccurate in any respect, shall promptly amend the certificate, provided however that no certificate of amendment need be filed hereunder to reflect a change of address of a limited partner.

(d) A certificate of limited partnership may be amended at any time for any other proper purpose the general partners may determine.

(e) No person has any liability because an amendment to a certificate of limited partnership has not been filed to reflect the occurrence of any event referred to in subsection (b) of this Section if the amendment is filed within the 30-day period specified in subsection (b).

§ 203. Cancellation of Certificate.

A certificate of limited partnership shall be cancelled upon the dissolution and the commencement of winding up of the partnership or at any other time there are no limited partners. A certificate of cancellation shall be filed in the office of the Probate Judge of the county in which the certificate of limited partnership is filed and shall set forth:

- (1) the name of the limited partnership;
- (2) the date of filing of its certificate of limited partnership;
- (3) the reason for filing the certificate of cancellation;
- (4) the effective date (which shall be a date certain) of cancellation if it is not to be effective upon the filing of the certificate; and
- (5) any other information the general partners filing the certificate determine.

§ 204. Execution of Certificates.

(a) Each certificate required by this Article to be filed in the office of the Probate Judge shall be executed in the following manner:

(1) an original certificate of limited partnership must be signed by all partners named therein;

(2) a certificate of amendment must be signed by at least one general partner and by each other partner designated in the certificate as a new partner or whose contribution is described as having been increased or who, having been designated only as a limited partner in the certificate, is to be designated as a general partner; and

(3) a certificate of cancellation must be signed by all general partners;

(b) Any person may sign a certificate by an attorney-in-fact, but a power of attorney granted to any general partner or to an agent or affiliate of a general partner to sign a certificate relating to the admission, or increased contribution, of a partner or change of designation from limited partner only to general partner, must specifically describe the admission, increase, or change of designation.

(c) The execution of a certificate by a general partner constitutes an affirmation that the facts therein are true under penalties for perjury in the third degree (false swearing) prescribed by Alabama Code § 13A-10-103 or its successor.

§ 205. Amendment or Cancellation by Judicial Act.

If a person required by Section 204 to execute a certificate of amendment or cancellation fails or refuses to do so, any other partner, and any assignor of a partnership interest, who is adversely affected by the failure or refusal, may petition the circuit court for the judicial circuit in which the county is located where the certificate of limited partnership is filed to direct the amendment or cancellation. If the court finds that the amendment or cancellation is proper and that any person so designated has failed or refused to execute the certificate, it shall order the Judge of Probate of the county in which the certificate of limited partnership was filed to record an appropriate certificate of amendment or cancellation.

§ 206. Filing in Office of Probate Judge.

(a) A signed copy of the certificate of limited partnership shall be delivered to the Probate Judge of the county in which the office required under § 104(a)(1) is located. A signed copy of any certificate of amendment or cancellation (or of any judicial decree of amendment or cancellation) shall be delivered to the office of the Probate Judge in which the certificate of limited partnership is filed. A person who executes a certificate as an agent or fiduciary need not exhibit evidence of his authority as a prerequisite to filing. If the Probate Judge finds that any certificate substantially conforms to law, he shall, upon receipt of all filing fees required by law:

(1) endorse thereon the word "Filed" and the day, month, and year of the filing thereof; and

(2) file the same in his office.

(b) Upon the filing of a certificate of amendment (or judicial decree of amendment) in the office of the Probate Judge, the certificate of limited partnership shall be amended as set forth therein, provided however that in the case of the admission of a limited partner under any of the provisions of § 301(a) hereof, where a certificate of amendment reflecting the admission of a limited partner is filed, as required by § 202(b), within 30 days after admission of such new partner in accordance with any provision of § 301(a), such amendment shall, as to such admission, be deemed effective as of the date of such admission determined in accordance with § 301(a).

(c) Upon the effective date of a certificate of cancellation (or a judicial decree thereof), the certificate of limited partnership is cancelled.

§ 207. Liability for Material False Statement in Certificate.

If any certificate of limited partnership or certificate of amendment or cancellation contains any statement which is false in any material respect, one who suffers loss by reasonable reliance on the

statement may recover damages for the loss from:

(1) any general partner (whether or not he executed the certificate) who knew or should have known the statement to be false at the time the certificate was executed; and

(2) any general partner who thereafter knew or should have known that any arrangement or other fact described in the certificate had changed, making the statement false in any material respect within a sufficient time before the statement was relied upon reasonably to have enabled that general partner to cancel or amend the certificate, or to file a petition for its cancellation or amendment under Section 205.

§ 208. Notice.

The fact that a certificate of limited partnership is on file in the office of the Judge of Probate is constructive notice that the partnership is a limited partnership and the persons designated therein as limited partners are limited partners, but, except as otherwise provided in Section 704, the fact that such certificate is on file shall not, of itself, constitute constructive notice of any other fact.

ARTICLE III

LIMITED PARTNERS

§ 301. Admission of Additional Limited Partners.

(a) After the filing of a limited partnership's original certificate of limited partnership, a person may be admitted as an additional limited partner:

(1) in the case of a person acquiring a partnership interest directly from the limited partnership, upon the compliance with the partnership agreement or, if the partnership agreement does not so provide, upon the written consent of all partners; and

(2) in the case of an assignee of a partnership interest of a partner who has the power, as provided in Section 704, to grant the assignee the right to become a limited partner, upon the exercise of that power and compliance with any conditions limiting the grant or exercise of the power.

(b) In each case under subsection (a), the person acquiring the partnership interest becomes a limited partner only upon amendment of the certificate of limited partnership reflecting that fact which amendment shall, if filed within 30 days after admission of a new partner in accordance with subsection (a), be effective as of the date of such admission determined in accordance with subsection (a).

§ 302. Voting.

(a) Subject to Section 303, the partnership agreement may grant to all or a specified group of the limited partners the right to vote, on a per capita or other basis, upon any matter.

(b) When the partnership agreement grants such right to vote, it may make any provision that the parties to the agreement deem appropriate as to notice of the time, place or purpose of any meeting at which any matter is to be voted on by any limited partners, for waiver of any such notice, for informal action by consent without a meeting, quorum requirements, voting in person or by proxy, or any other provisions with respect to the exercise of any such right to vote.

§ 303. Liability to Third Parties.

(a) Except as provided in subsection (d), a limited partner is not liable for the obligations of a limited partnership unless he is also a general partner or, in addition to the exercise of his rights and powers as a limited partner, he takes part in the control of the business. However, if the limited partner's participation in the control of the business is not substantially the same as the exercise of the powers of a general partner, he is liable only to persons who, with actual knowledge of his participation in control and in reasonable reliance thereon, transact business with the partnership.

(b) A limited partner does not participate in the control of the business within the meaning of subsection (a) solely by doing one or more of the following:

(1) being a contractor for or an agent, attorney-at-law, or employee of the limited partnership or of a general partner, or an officer, director, or shareholder of a general partner;

(2) consulting with and advising a general partner with respect to the business of the limited partnership or examining into the state and progress of the partnership business;

(3) acting as surety or guarantor for any liabilities for the limited partnership;

(4) approving or disapproving an amendment to the partnership agreement; or

(5) voting on one or more of the following matters:

(i) the dissolution and winding up of the limited partnership;

(ii) the sale, exchange, lease, mortgage, pledge, or other transfer of all or substantially all of the assets of the limited partnership other than in the ordinary course of its business;

(iii) the incurrence of indebtedness by the limited partnership other than in the ordinary course of its business;

- (iv) a change in the nature of the business; or
- (v) the removal of a general partner.

(c) The enumeration in subsection (b) does not mean that the possession or exercise of any other powers by a limited partner constitutes participation by him in the business of the limited partnership.

(d) A limited partner who knowingly permits his name to be used in the name of the limited partnership, except under circumstances permitted by Section 102(2), is liable to creditors who, in reasonable reliance upon the credit of such limited partner, extend credit to the limited partnership without actual knowledge that the limited partner is not a general partner.

§ 304. Person Erroneously Believing Himself Limited Partner.

(a) Except as provided in subsection (c), a person who makes a contribution to a business enterprise and erroneously but in good faith believes that he has become a limited partner in the enterprise is not a general partner in the enterprise and is not bound by its obligations by reason of making the contribution, receiving distributions from the enterprise, or exercising any rights of a limited partner, if, on ascertaining the mistake, he:

(1) causes an appropriate certificate of limited partnership or a certificate of amendment to be executed and filed; or

(2) withdraws from future equity participation in the enterprise by filing a certificate of withdrawal evidencing such withdrawal from future equity participation.

(b) A certificate of withdrawal evidencing withdrawal from future equity participation shall be signed by the person erroneously believing himself a limited partner and shall be filed in the office of the Probate Judge where the certificate of limited partnership of the enterprise has been filed, or if none has been filed, such certificate of withdrawal shall be filed in the office of the Probate Judge of the county where the principal place of business of the enterprise is located or if there is no known principal place of business, then in the office of the Probate Judge of the county or domicile of such person. By withdrawing from future equity participation a person shall be deemed to withdraw from all participation in the future profits of the enterprise and from any future appreciation in the value of its assets, but shall not be deemed to withdraw from any previously accrued profits, whether distributed or undistributed, or from any appreciation in the assets of the enterprise (whether realized or unrealized) up to the date of such withdrawal, except as may be otherwise provided by agreement among the person withdrawing and

other parties to the enterprise and except as may be otherwise stated in the certificate of withdrawal. For purposes of § 604, a person withdrawing from future equity participation shall be deemed a withdrawing partner.

(c) A person who makes a contribution of the kind described in subsection (a) is liable as a general partner to any third party who transacts business with the enterprise (i) before the person withdraws and an appropriate certificate is filed to show withdrawal, or (ii) before an appropriate certificate is filed to show his status as a limited partner and, in the case of an amendment, after expiration of the 30-day period for filing an amendment relating to the person as a limited partner under Section 202, but in either case only if the third party actually believed in good faith that the person was a general partner at the time of the transaction, and extended credit to the business enterprise in reasonable reliance on the credit of such person.

§ 305. Information.

Each partner has the right to:

(1) inspect and copy any of the partnership records as provided in Section 105; and

(2) obtain from the general partners from time to time upon reasonable demand (i) the most recent financial statement of the partnership, (ii) promptly after becoming available, a copy of the limited partnership's federal, state, and local income tax returns for each year, and (iii) other information regarding the affairs of the limited partnership as is just and reasonable.

ARTICLE IV GENERAL PARTNERS

§ 401. Admission of Additional General Partners.

After the filing of a limited partnership's original certificate of limited partnership, additional general partners may be admitted only with the specific written consent or ratification of each partner.

§ 402. Events of Withdrawal.

Except as approved by the specific written consent of all partners at the time, a person ceases to be a general partner of a limited partnership upon the happening of any of the following events:

(1) the general partner withdraws from the limited partnership as provided in Section 602;

(2) the general partner ceases to be a member of the limited partnership as provided in Section 702;

(3) the general partner is removed as a general partner in accordance with the partnership agreement;

(4) unless otherwise provided in the certificate of limited partnership, the general partner: (i) makes an assignment for the benefit of creditors; (ii) files a voluntary petition in bankruptcy; (iii) is adjudicated a bankrupt or insolvent or is the subject of an order for relief under the bankruptcy laws; (iv) files a petition or answer seeking for himself any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation; (v) files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against him in any proceeding of this nature; or (vi) seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the general partner or of all or any substantial part of his properties;

(5) unless otherwise provided in the certificate of limited partnership, 120 days after the commencement of any proceeding against the general partner to attach or charge his partnership interest or seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law or regulation, the proceeding has not been dismissed, or if within 90 days after a court order attaching or charging his partnership interest or the appointment without his consent or acquiescence of a trustee, receiver, or liquidator of the general partner or of all or any substantial part of his properties, the order or appointment is not vacated or stayed, or within 90 days after the expiration of any such stay, the order or appointment is not vacated;

(6) in the case of a general partner who is a natural person,

(i) his death; or

(ii) the entry by a court of competent jurisdiction adjudicating him incompetent to manage his person or his estate;

(7) in the case of a general partner who is acting as a general partner by virtue of being a trustee of a trust, the termination of the trust (but not merely the substitution of a new trustee);

(8) in the case of a general partner that is a separate partnership, the dissolution and commencement of winding up of the separate partnership;

(9) in the case of a general partner that is a corporation, the filing of a certificate of dissolution, or its equivalent, for the corporation or the revocation of its charter; or

(10) in the case of an estate, the distribution by the fiduciary of the estate's entire interest in the partnership.

§ 403. General Powers and Liabilities.

Except as provided in this Act or in the partnership agreement, a general partner of a limited partnership has the rights and powers and is subject to the restrictions and liabilities of a partner in a partnership without limited partners.

§ 404. Contributions by a General Partner.

A general partner of a limited partnership may make contributions to the partnership and share in the profits and losses of, and in distributions from, the limited partnership as a general partner. A general partner also may make contributions to and share in profits, losses, and distributions as a limited partner. A person who is both a general partner and a limited partner has the rights and powers, and is subject to the restrictions and liabilities, of a general partner and, except as provided in the partnership agreement, also has the powers, and is subject to the restrictions, of a limited partner to the extent of his participation in the partnership as a limited partner.

§ 405. Voting.

The partnership agreement may grant to all or certain identified general partners the right to vote (on a per capita or any other basis) separately or with all or any class of the limited partners, on any matter, and may make any appropriate provision for the exercise of such voting rights.

ARTICLE V

FINANCE

§ 501. Form of Contribution.

The contribution of a partner may be in cash, property, or services rendered, or a promissory note or other binding obligation to pay cash, convey property or to render services which a partner contributes as capital to a limited partnership in his capacity as a partner.

§ 502. Liability for Contributions.

(a) Except as provided in the certificate of limited partnership, a partner is obligated to the limited partnership to perform any promise to pay cash or convey property or to render services, even if he is unable to perform because of death, disability or any other reason. If a partner does not perform such promise, he is obligated at the option of the limited partnership to pay cash equal to the value (as stated in the certificate of limited partnership) of such portion of the contribution that has not been paid, conveyed or rendered.

(b) The partnership agreement may provide that the interest of any partner who fails to make any contribution that he is obli-

gated to make, or who fails to pay any agreed assessment that he is obligated to make, shall be subject to a reasonable penalty for such failure. Such penalty may take the form of reducing the defaulting partner's proportionate interest in the partnership, subordinating his interest to that of non-defaulting partners, a forced sale of his partnership interest in compliance with reasonable procedures for notice and disposition, forfeiture of his partnership interest on compliance with reasonable procedures for notice, the lending of the amount necessary to meet his commitment by other partners, a fixing of the value of his interest by appraisal or by suitable formula and redemption or sale of his interest at such value, or other reasonable penalty.

(c) Unless otherwise provided in the partnership agreement, the obligation of a partner to perform any promise with respect to a contribution to the capital of the partnership, or to return money or other property paid or distributed in the violation of this Act, may be compromised only by consent of all partners. Notwithstanding the compromise, a creditor of a limited partnership who extends credit, or whose claim arises, after filing of the certificate of limited partnership or an amendment thereto which, in either case, reflects the obligation, and before the amendment or cancellation thereof to reflect the compromise, may enforce the original obligation.

§ 503. Sharing of Profits and Losses.

The profits and losses of a limited partnership shall be allocated among the partners, and among classes of partners, in the manner provided in the partnership agreement. In the case of a limited partnership formed under this Act, if the partnership agreement does not so provide, profits and losses shall be allocated on the basis of the value (as stated in the certificate of limited partnership) of the contributions made by each partner to the extent they have paid, conveyed or rendered to the partnership and have not been returned.

§ 504. Sharing of Distributions.

Distributions of cash or other assets of a limited partnership shall be allocated among the partners, and among classes of partners, in the manner provided in the partnership agreement. If the partnership agreement does not so provide, distributions shall be made on the basis of the value (as stated in the certificate of limited partnership) of the contributions made by each partner to the extent they have been paid, conveyed, or rendered to the partnership

and have not been returned.

ARTICLE 6

DISTRIBUTIONS AND WITHDRAWAL

§ 601. Interim Distributions.

Except as provided in this Article, a partner is entitled to receive distributions from a limited partnership before his withdrawal from the limited partnership and before the dissolution and winding up thereof:

(1) to the extent and at the times or upon the happening of the events specified in the partnership agreement; but

(2) if any distribution constitutes a return of any part of his contribution under Section 608(b) only to the extent and at the times or upon the happening of the events specified in the certificate of limited partnership.

§ 602. Withdrawal of General Partner.

(a) A general partner may withdraw from a limited partnership at any time by giving written notice to the other partners, but if the withdrawal violates the partnership agreement, the limited partnership may recover from the withdrawing general partner damages for breach of the partnership agreement and offset the damages against the amount otherwise distributable to him.

(b) The withdrawal of a general partner from a limited partnership does not release him from his liability to the partnership under Section 502 or from any liability under Section 207.

§ 603. Withdrawal of Limited Partner.

(a) A limited partner may withdraw from a limited partnership only at the time or upon the happening of events specified in the certificate of limited partnership and in accordance with the partnership agreement; provided however, that unless the certificate specifies the time or the events upon the happening of which a limited partner may withdraw or a definite time or event for the dissolution and winding up of the affairs of the limited partnership, a limited partner may withdraw upon not less than 6 months' prior written notice to each general partner at his address on the books of the limited partnership at its office in this State.

(b) The withdrawal of a limited partner from a limited partnership does not release him from his liability to the partnership under Section 502.

§ 604. Distribution Upon Withdrawal.

Except as provided in this Article, upon withdrawal any with-

drawing partner is entitled to receive any distribution to which he is entitled under the partnership agreement and, if not otherwise provided in the agreement, a partner withdrawing from a limited partnership formed under this Act shall be entitled to receive, within a reasonable time after withdrawal, the fair value of his interest in the limited partnership as of the date of withdrawal.

§ 605. Distribution in Kind.

Except as provided in the certificate of limited partnership, a partner, regardless of the nature of his contribution, has no right to demand and receive any distribution from a limited partnership in any form other than cash. Except as provided in the partnership agreement, a partner may not be compelled to accept a distribution of any asset in kind from a limited partnership to the extent that the percentage of the asset distributed to him exceeds a percentage of that asset which is equal to the percentage in which he shares in distributions from the limited partnership.

§ 606. Right to Distribution.

At the time a partner becomes entitled to receive a distribution, he has the status of, and is entitled to all remedies available to, a creditor of the limited partnership with respect to the distribution.

§ 607. Limitations on Distribution.

A partner may not receive a distribution from a limited partnership to the extent that, after giving effect to the distribution, all liabilities of the limited partnership, other than liabilities to partners on account of their partnership interests, exceed the fair value of the partnership assets.

§ 608. Liability Upon Return of Contribution.

(a) If a partner has received the return of any part of his contribution without violation of the partnership agreement or this Act, he is liable to the limited partnership for a period of one year thereafter for the amount of the returned contribution, but only to the extent necessary to discharge the limited partnership's liabilities to creditors who extended credit to the limited partnership during the period the contribution was held by the partnership.

(b) If a partner has received the return of any part of his contribution in violation of the partnership agreement or this Act, he is liable to the limited partnership for a period of 6 years thereafter for the amount of the contribution wrongfully returned.

(c) A partner receives a return of his contribution to the extent that a distribution to him reduces his share of the fair value of the net assets of the limited partnership below the value (as set forth in the certificate of limited partnership) of his contribution

which has not been distributed to him.

ARTICLE 7

ASSIGNMENT OF PARTNERSHIP INTEREST

§ 701. Nature of Partnership Interest.

A partnership interest is personal property.

§ 702. Assignment of Partnership Interest.

(a) Except as provided in the partnership agreement:

(i) a partnership interest is assignable in whole or in part;

(ii) an assignment of a partnership interest does not dissolve a limited partnership or entitle the assignee to become or to exercise any rights of a partner;

(iii) an assignment entitles the assignee to share in such capital and profits and losses, to receive such distribution or distributions, and to receive such allocation of income, gain, loss, deduction, or credit or similar item to which the assignor was entitled, to the extent assigned; and

(iv) a partner ceases to be a partner upon assignment of all his partnership interest.

(b) The assignment of a limited partnership interest does not release the assignor from his liability to the limited partnership under Section 502 or (in the case of an assignor who is a general partner) from any liability under Section 207.

(c) The certificate of limited partnership or the partnership agreement may provide that a partner's interest in a partnership may be evidenced by a certificate of partnership interest issued by the partnership and may also provide for the assignment or transfer of any partnership interest represented by certificate and make other reasonable provisions with respect to such certificates.

§ 703. Rights of Creditor.

On application to a court of competent jurisdiction by any judgment creditor of a partner, the court may charge the partnership interest of the partner with payment of the unsatisfied amount of the judgment with interest. Such partnership interest may be redeemed with the separate property of any partner, but may not be redeemed with partnership property. To the extent so charged, the judgment creditor except as otherwise allowed in the partnership agreement has only the rights of an assignee of the partnership interest. This Act does not deprive any partner of the benefit of any exemption laws applicable to his partnership interest.

§ 704. Right of Assignee to Become Limited Partner.

(a) An assignee of a partnership interest, including an assignee of a general partner, may become a limited partner if and to the extent that (1) the assignor gives the assignee that right in accordance with authority described in the certificate of limited partnership, or (2) all other partners consent.

(b) An assignee who has become a limited partner has, to the extent assigned, the rights and powers, and is subject to the restrictions and liabilities, of a limited partner under the partnership agreement, the certificate of limited partnership, and this Act. An assignee who becomes a limited partner also is liable for the obligations of his assignor to fulfill obligations with respect to contributions as provided in Article 5 and to return contributions as provided in Article 6. However, the assignee is not obligated for liabilities unknown to the assignee at the time he became a limited partner and which could not be ascertained from the certificate of limited partnership.

(c) If an assignee of a partnership interest becomes a limited partner, the assignor is not released from his liability to the limited partnership under Section 502 or (in the case of an assignor who is a general partner) any liability under Section 207.

§ 705. Powers of Successors In Interest.

If a partner who is an individual dies or a court of competent jurisdiction adjudges him to be incompetent to manage his person or his property, the partner's executor, administrator, guardian, conservator, or other legal representative may exercise all of the partner's rights for the purpose of settling his estate or administering his property, including any power the partner had to give an assignee the right to become a limited partner. Subject to § 402 and except as otherwise provided in the partnership agreement, if a partner is a corporation, trust, partnership, custodianship, or other entity and is dissolved or terminated, the powers of that partner may be exercised by the legal representative or successor of such partner.

ARTICLE 8

DISSOLUTION

§ 801. Nonjudicial Dissolution.

A limited partnership is dissolved and its affairs shall be wound up upon the happening of the first to occur of the following:

- (1) at the time or upon the happening of events specified in the certificate of limited partnership;
- (2) written consent of all partners;

(3) an event of withdrawal of a general partner unless (a) at the time there is at least one other general partner and the certificate of limited partnership permits the business of the limited partnership to be carried on by the remaining general partner and that partner does so or (b) within 90 days after the withdrawal, all partners agree in writing to continue the business of the limited partnership and to the appointment of one or more additional general partners if necessary or desired, which agreement shall be effective as of the date of such event of withdrawal; or

(4) entry of a decree of judicial dissolution under Section 802.

§ 802. Judicial Dissolution.

On application by or for a partner the circuit court for the county in which the certificate of limited partnership is filed may decree dissolution of a limited partnership whenever a general partner willfully or persistently commits a material breach of the partnership agreement or of this Act, or otherwise so conducts himself in matters relating to the partnership business that it is not reasonably practicable to carry on the business with such partner in conformity with the partnership agreement.

§ 803. Winding up.

Except as provided in the partnership agreement, the general partner or partners who have not wrongfully dissolved a limited partnership or, if none, the limited partners, may wind up the limited partnership's affairs; but the circuit court for the county in which the certificate of limited partnership is filed may, upon cause shown, wind up the limited partnership's affairs upon application of any partner, his legal representative, or assignee.

§ 804. Distribution of Assets.

Upon the winding up of a limited partnership formed under this Act, the assets shall be distributed in the following order of priority:

(1) to creditors, (including partners who are creditors to the extent allowed by Section 107 or otherwise permitted by law) in satisfaction of liabilities of the limited partnership other than liabilities, even though enforceable by a partner as a creditor under Section 606 for distributions under Section 601 or 604;

(2) except as provided in the partnership agreement, to partners and former partners in satisfaction of liabilities for distribution under Section 601 or 604; and

(3) except as provided in the partnership agreement, to partners first to the extent of the credit balances of their respective capital accounts, and secondly respecting their partnership interests,

in the proportions in which the partners share in profits.

ARTICLE 9

FOREIGN LIMITED PARTNERSHIPS

§ 901. Law Governing.

Subject to the Constitution of this State, (1) the laws of the state under which a foreign limited partnership is organized govern its organization and internal affairs and the liability of its limited partners, and (2) a foreign limited partnership may not be denied registration by reason of any difference between those laws and the laws of this State, provided however, that no limited partnership shall be allowed to carry on in this State any business of a character that may not lawfully be carried on by a limited partnership organized under the laws of this State.

§ 902. Registration.

(1) Before transacting business in this State, a foreign limited partnership shall register with the Secretary of State. In order to register, a foreign limited partnership shall:

(a) submit to the Secretary of State, in duplicate, on forms furnished by the Secretary of State, an application for registration as a foreign limited partnership, signed by a general partner and setting forth:

(i) the name of the foreign limited partnership, and if different, the name under which it proposes to register and transact business in this State;

(ii) the state and date of its formation and the identity and address of the public office in said state where its certificate of limited partnership (or equivalent document) and all amendments thereto are on file;

(iii) the general character of the business it proposes to transact in this State;

(iv) the name and address of an agent for service of process on the foreign limited partnership whom the foreign limited partnership elects to appoint; the agent must be an individual resident of this State, a domestic corporation, or a foreign corporation authorized to do business in this State;

(v) a statement that the foreign limited partnership consents to service of process on it by registered mail addressed to the foreign limited partnership at the office required to be maintained in the state of its organization by laws of that State or, if not so required, at the principal office of such partnership, if the agent appointed under paragraph (4) cannot be found or served with the exercise of

reasonable diligence;

(vi) the address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign limited partnership; and

(vii) if the certificate of limited partnership filed in the foreign limited partnership's state of organization is not required to include the names and business addresses of the general partners, a list of such names and addresses.

(b) Pay a fee in the amount of \$75.00 for filing the certificate of limited partnership, processing the application for registration as a foreign limited partnership and issuing the certificate of registration to transact business in this state.

(2) The execution by a general partner of an application for registration as a foreign limited partnership, or the execution of any certificate of change or amendment to such an application under Section 905 hereof, constitutes an affirmation that the facts therein are true under penalties for perjury in the third degree (false swearing) prescribed by Ala. Code § 13A-10-103 (1975) or its successor.

(3) A limited partnership shall not be deemed to be transacting business in this State for the purposes of this section solely by reason of offers or sales of interests in such partnership in this State.

§ 903. Issuance of Registration.

(a) If the Secretary of State finds that an application for registration conforms to law and all requisite fees have been paid, he shall:

(1) endorse on the application the word "Filed," and the month, day, and year of the filing thereof;

(2) file in his office a duplicate original of the application; and

(3) issue a certificate of registration to transact business in this State, effective as of the date such application was filed with the office of the Secretary of State.

(b) The certificate of registration, together with a duplicate original of the application, shall be returned to the person who filed the application or his representative.

(c) Upon the issuance of a certificate of registration by the Secretary of State, the foreign limited partnership shall be authorized to transact any business in this State, consistent with the general character of business set forth in its application, which may be done lawfully in this State by a limited partnership organized under the laws of this State, to the extent that it is authorized to do such business in the state, territory or country where it was created; and

such authorization shall relate back to and be deemed effective as of the date such application was filed with the office of the Secretary of State.

§ 904. Name.

A foreign limited partnership may register with the Secretary of State under any name (whether or not it is the name under which it is registered in its state of organization) providing such name shall contain the word "Limited" or its abbreviation "Ltd." and is a name that could be adopted by a domestic limited partnership.

§ 905. Changes and Amendments.

If any statement in the application for registration of a foreign limited partnership was false when made or any arrangements or other facts described have changed, making the application inaccurate in any respect, the foreign limited partnership shall promptly file in the office of the Secretary of State a certificate, signed by a general partner, correcting such statement. The Secretary of State shall charge and collect a fee of \$10.00 for filing and processing the certificate correcting such statement.

§ 906. Cancellation of Registration.

A foreign limited partnership may cancel its registration by filing with the Secretary of State a certificate of cancellation signed and sworn to by a general partner. A cancellation does not terminate the consent to service of process on the foreign limited partnership as provided in § 902(1)(a)(v) with respect to causes of action arising out of the transaction of business within this State.

§ 907. Transaction of Business Without Registration.

(a) A foreign limited partnership transacting business in this State may not maintain any action, suit, or proceeding in any court of this State until it has registered in this State.

(b) The failure of a foreign limited partnership to register in this State does not impair the validity of any contract or act of the foreign limited partnership or prevent the foreign limited partnership from defending any action, suit, or proceeding in any court of this State.

(c) A limited partner of a foreign limited partnership is not liable as a general partner of the foreign limited partnership solely by reason of having transacted business in this State without registration.

(d) A foreign limited partnership, by transacting business in this State without registration, shall be deemed to consent to service of process on the foreign limited partnership by registered mail ad-

dressed to the foreign limited partnership at the office required to be maintained in the state of its organization by the laws of that state or, if not so required, at the principal office of such partnership, with respect to causes of action arising out of the transaction of business in this State.

§ 908. Action by Attorney General.

The Attorney General may bring an action to restrain a foreign limited partnership from transacting business in this State in violation of this Article.

ARTICLE 10

DERIVATIVE ACTIONS

§ 1001. Right of Action.

A limited partner may bring an action in the right of a limited partnership to recover a judgment in its favor if general partners with authority to do so have refused to bring the action or if an effort to cause those general partners to bring the action is not likely to succeed.

§ 1002. Proper Plaintiff.

In a derivative action, the plaintiff must be a partner at the time of bringing the action or have succeeded to the right of a partner under Section 705 and (1) at the time of the transaction of which he complains or (2) his status as a partner (or successor exercising the rights and powers of a partner under Section 705) have devolved upon him by operation of law or pursuant to the terms of the partnership agreement from a person who was a partner at the time of the transaction.

§ 1003. Pleading.

In a derivative action, the complaint shall set forth with particularity the effort of the plaintiff to secure initiation of the action by a general partner or the reasons for not making the effort.

§ 1004. Expenses.

If a derivative action is successful, in whole or in part, or if anything is received by the plaintiff as a result of the judgment, compromise, or settlement of an action or claim, the court may award the plaintiff reasonable expenses, including reasonable attorney's fees, and shall direct him to remit to the limited partnership the

remainder of those proceeds received by him.

ARTICLE 11

MISCELLANEOUS

§ 1101. Construction and Application.

(a) This Act shall be so construed to effectuate its general purpose to make uniform the law with respect to the subject of this Act among states enacting it.

(b) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this Act.

§ 1102. Short Title.

This Act may be cited as the Alabama Limited Partnership Act of 1983.

§ 1003. Severability.

If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

§ 1004. Effective Date and Repeal.

(1) The effective date of this Act is January 1st, 1984.

(2) The following sections in the Code of Alabama (1975) are hereby repealed as of the effective date of this Act: § 10-9-1 through § 10-9-5; § 10-9-20 through § 10-9-28; § 10-9-40 through § 10-9-52; § 10-9-70; § 10-9-80; § 10-9-90; § 10-9-110 through § 10-9-129; and § 10-9-140 through § 10-9-147.

(3) Section 10-9-91, Code of Alabama (1975) is specifically not repealed but is amended by adding subsection (c) thereto, which shall read as follows:

§ 10-9-91. Settling of accounts.

(a) In settling accounts after dissolution, the liabilities of the partnership shall be entitled to payment in the following order:

(1) Those to creditors, in the order of priority as provided by law, except those to limited partners on account of their contributions and to general partners;

(2) Those to limited partners in respect to their share of the profits and other compensation by way of income on their contributions;

(3) Those to limited partners in respect to the capital of their

contributions;

(4) Those to general partners other than for capital and profits;

(5) Those to general partners in respect to profits; and

(6) Those to general partners in respect to capital.

(b) Subject to any statement in the certificate or to subsequent agreement, limited partners share in the partnership assets in respect to their claims for capital and in respect to their claims for profits or for compensation by way of income on their contributions, respectively, in proportion to the respective amounts of such claims.

(c) This section shall not apply to limited partnerships formed under the laws of this State on or after January 1, 1984, but shall apply only (i) to limited partnerships formed under the laws of this State on or after January 1, 1972 and prior to January 1, 1984 and (ii) to limited partnerships formed under the laws of this State prior to January 1, 1972 which elected to come within the limited partnership provisions which became effective January 1, 1972 or which renewed their existence, except as such renewal was provided in the original agreement, on or after January 1, 1972 and prior to January 1, 1984.

(4) The repeal of any prior provision of the Alabama Code by this Act shall not impair, or otherwise affect, the organization or the continued existence of a limited partnership existing on January 1, 1984 nor the right of any foreign limited partnership qualified to do business in this State on January 1, 1984 to continue to do so without again qualifying to do business in this State. Nor shall the repeal by this Act of any such prior provision be so construed as to impair any contract or to affect any right accrued prior to January 1, 1984 or the construction of the certificate of limited partnership or partnership agreement of any limited partnership organized under the laws of this State prior to January 1, 1984.

§ 1105. Rules for Cases not Provided for in this Act.

In any case not provided for in this Act the provisions of the Alabama Partnership Act govern.

Approved July 18, 1983

Time: 2:15 P.M.

AN ACT

To be known as "The Revised Alabama Professional Corporation Act" revising the laws of Alabama in Title 10 of the Code of Alabama 1975, as amended, providing for: application of business corporation act and short title, application of business corporation act and nonprofit corporation act, definitions, purposes, applicability, general powers, rendering professional services, corporate name, issuance and transfer of shares and share certificates, death or disqualification of a shareholder, liability, professional relationships including privileged communications, voting trusts, directors and officers, amendments to articles of incorporation, merger and consolidation, involuntary dissolution at request of licensing authority, admission of foreign professional corporations, revocation of certificate of authority, annual report of domestic and foreign professional corporations, interrogatories by licensing authority, penalties and remedies, regulation of professional corporations, application to existing corporations; repealing Article 11 of Chapter 4, Title 10, Code of Alabama (1975); amending Section 10-10-2, Code of Alabama (1975); and providing that Title 10, Article 10, Code of Alabama shall only apply to unincorporated associations organized before the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

SECTION 1. SHORT TITLE

This Act shall be known and may be cited as the Revised Alabama Professional Corporation Act.

SECTION 2. APPLICATION OF BUSINESS CORPORATION ACT AND NONPROFIT CORPORATION ACT

The provisions of the Alabama Business Corporation Act shall apply to professional corporations, domestic and foreign, except to the extent such provisions are inconsistent with the provisions of this Act; provided, however, that in the case of not-for-profit professional corporations, domestic or foreign, the provisions of the Alabama Nonprofit Corporation Act shall apply except to the extent such provisions are inconsistent with the provisions of this Act.

SECTION 3. DEFINITIONS

As used in this Act, unless the context otherwise requires, the term:

(a) "Professional service" means any service which may lawfully be performed only pursuant to a license issued by a state court, state regulatory licensing board or other like agency pursuant to state laws.

(b) "Licensing authority" means the state court, state regulatory licensing board or other like agency which has the power to issue a license or other legal authorization to render professional services.

(c) "Domestic professional corporation" means a corporation for profit or not-for-profit organized pursuant to the provisions of this Act.

(d) "Foreign professional corporation" means a corporation or unincorporated association, for profit or not-for-profit, organized for the purpose of rendering professional services under a law other than the law of Alabama.

(e) "Qualified person" means with respect to any domestic professional corporation;

(1) an individual who is authorized by law of Alabama or of any qualified state to render a professional service permitted by the articles of incorporation of such professional corporation;

(2) a general partnership in which all the partners are qualified persons with respect to such corporation; and

(3) a professional corporation, domestic or foreign, in which all the shareholders are qualified persons with respect to the professional corporation.

"Qualified person" does not include any person during any period in which such person's authorization to render professional services has been completely terminated or suspended.

(f) "Disqualified person" means any person who is not a qualified person.

(g) "Qualified state" means any state, (other than Alabama), or territory of the United States or the District of Columbia which allows individuals authorized to render professional services in Alabama and not in such other state, or partnerships of such individuals, or domestic professional corporations or professional associations owned by such individuals to own shares of professional corporations or to be members of professional associations organized under its laws.

SECTION 4. PURPOSES

Domestic professional corporations may be organized under this Act only for the purpose of rendering professional services and services ancillary thereto within a single profession.

SECTION 5. APPLICABILITY

(a) Any corporation whose articles of incorporation include as a stated purpose the performance of professional services may be incorporated under this Act by stating in its articles of incorporation that it is incorporated under this Act.

(b) A professional business corporation (other than a not-for-profit professional corporation) which is subject to this Act shall cease being governed by this Act and shall be governed by the Alabama Business Corporation Act, if it is a domestic corporation, if it amends its articles of incorporation to delete the statement that it is

organized under this Act, and conforms its articles to the Alabama Business Corporation Act and, if it is a foreign corporation, complies with the applicable provisions of the Alabama Business Corporation Act. A domestic not-for-profit professional corporation which is subject to this Act shall cease being governed by this Act and shall be governed by the Alabama Nonprofit Corporation Act, if it is a domestic corporation, if it amends its articles of incorporation to delete the statement that it is organized under this Act, and conforms its articles to the Alabama Nonprofit Corporation Act and, if it is a foreign corporation, complies with the applicable provisions of the Alabama Nonprofit Corporation Act.

(c) Any corporation which is not subject to this Act may become subject to this Act, if it is a domestic corporation, by conforming its articles to this Act.

(d) Any foreign professional corporation which renders professional services in Alabama shall be subject to this Act.

SECTION 6. GENERAL POWERS

(a) Subject to Section 23, a domestic professional corporation shall have all the powers necessary or convenient to effectuate its purposes, including those enumerated in the Alabama Business Corporation Act; provided, however, that if such professional corporation is a not-for-profit corporation, it shall have all the powers necessary or convenient to effectuate its purposes, including those enumerated in the Alabama Nonprofit Corporation Act.

(b) A domestic professional corporation shall not engage in any profession other than the profession permitted by its articles of incorporation, except that a domestic professional corporation may invest its funds in real estate, mortgages, stocks, bonds, or any other type investment.

SECTION 7. RENDERING PROFESSIONAL SERVICES

A professional corporation, domestic or foreign, may render professional services in Alabama only through individuals permitted to render such services in Alabama; but nothing in this Act shall be construed to require that any individual who is employed by a professional corporation be licensed to perform services for which no license is otherwise required or to prohibit the rendering of professional services by a licensed individual acting in his individual capacity, notwithstanding such individual may be a shareholder, member, director, officer, employee or agent of a professional corporation, domestic or foreign.

SECTION 8. CORPORATE NAME

The name of a domestic professional corporation or of a foreign

professional corporation authorized to transact business in Alabama:

(a) shall contain the words "professional corporation" or the abbreviation "P.C.";

(b) shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than the purposes contained in its articles of incorporation;

(c) shall not be the same as, or deceptively similar to, the name of any domestic corporation or professional association existing under the laws of Alabama or any foreign corporation authorized to transact business in Alabama, or a name the exclusive right to which is, at the time, reserved in the manner provided in the Alabama Business Corporation Act, or the name of a corporation which has in effect a registration of its corporate name as provided in the Alabama Business Corporation Act except that this provision shall not apply if:

(1) such similarity results from the use in the corporate name of the personal names of its shareholders or former shareholders or of individuals who were associated with a predecessor entity or, in the case of a not-for-profit corporation, the use of the names of some or all of its members; or

(2) the applicant files with the secretary of state either of the following: (A) the written consent of such other corporation or holder of a reserved or registered name to use the same or deceptively similar name and one or more words are added to make such name distinguishable from such other name, or (B) a certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of such name in Alabama.

The name of a professional corporation, domestic or foreign, shall not be considered deceptively similar to that of another professional corporation if it is distinguished therefrom by a geographic designation;

(d) shall otherwise conform to any rule promulgated by a licensing authority having jurisdiction of a professional service described in the articles of incorporation of such corporation.

SECTION 9. ISSUANCE AND TRANSFER OF SHARES

(a) A domestic professional corporation may issue shares, fractional shares, and rights or options to purchase shares only to qualified persons.

(b) Where deemed necessary by the licensing authority for any profession in order to prevent violations of the ethical standards of such profession, the licensing authority may, within its rule making power, by rule further restrict, condition, or abridge the authority of

domestic professional corporations to issue shares but no such rule shall, of itself, have the effect of causing a shareholder of a professional corporation at the time such rule becomes effective to become a disqualified person unless and to the extent specified by such licensing authority.

(c) A shareholder of a domestic professional corporation may transfer or pledge shares, fractional shares, and rights or options to purchase shares of the professional corporation only to qualified persons.

(d) Any issuance or transfer of shares in violation of this section shall be void, however, nothing contained herein shall prohibit the transfer of shares of a domestic professional corporation by operation of law or court decree.

(e) Nothing in this section shall require domestic not for profit professional corporations to issue shares. Such corporations may have members and all such members must be qualified persons. A licensing authority may, within its rule making power, by rule further restrict, condition or abridge membership in domestic not-for-profit corporations, but no such rule shall, of itself, have the effect of causing a member of a domestic not-for-profit professional corporation at the time such rule becomes effective to become a disqualified person unless and to the extent specified by such licensing authority.

SECTION 10. DEATH OR DISQUALIFICATION OF A SHAREHOLDER

(a) Upon the death of a shareholder of a domestic professional corporation or if a shareholder of a domestic professional corporation becomes a disqualified person or if shares of a domestic professional corporation are transferred by operation of law or court decree to a disqualified person, the shares of such deceased shareholder or of such disqualified person may be transferred to a qualified person and, if not so transferred, shall be purchased or redeemed by the domestic professional corporation to the extent of funds which may be legally made available for such purchase.

(b) If the price for such shares is not fixed by the articles of incorporation or bylaws of the domestic professional corporation or by private agreement, the domestic professional corporation, within six months after such death or thirty days after such disqualification or transfer, as the case may be, shall make a written offer to pay for such shares at a specified price deemed by such domestic professional corporation to be the fair value thereof as of the date of such death, disqualification or transfer. Such offer shall be given to the executor or administrator of the estate of a deceased shareholder or

to the disqualified shareholder or transferee and shall be accompanied by a balance sheet of the domestic professional corporation, as of the latest available date and not more than twelve months prior to the making of such offer, and a profit and loss statement of such domestic professional corporation for the twelve months' period ended on the date of such balance sheet.

(c) If within thirty days after the date of such written offer from the domestic professional corporation the fair value of such shares is agreed upon between such disqualified person and the domestic professional corporation, payment therefor shall be made within ninety days, or such other period as the parties may fix by agreement, after the date of such offer, upon surrender of the certificate or certificates representing such shares. Upon payment of the agreed value the disqualified persons shall cease to have any interest in such shares.

(d) If within thirty days from the date of death, disqualification or transfer, the disqualified person and the domestic professional corporation do not so agree, then either party may commence a civil action in the circuit court in the county in Alabama where the registered office of the domestic professional corporation is located requesting that the fair value of such shares be found and determined. The disqualified person, wherever residing, shall be made a party to the proceeding as an action against his shares quasi in rem. Service shall be made in accordance with the rules of civil procedure. The disqualified person shall be entitled to judgment against the domestic professional corporation for the amount of the fair value of his shares as of the date of death, disqualification or transfer upon surrender to the domestic professional corporation of the certificate or certificates representing such shares. The court may, in its discretion, order that the judgment be paid in such installments and with such interest and on such terms as the court may determine. The court may, if it so elects, appoint one or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers shall have such power and authority as shall be specified in the order of their appointment or an amendment thereof.

(e) The judgment shall include an allowance for interest at such rate as the court may find to be fair and equitable in all circumstances, from the date of death, disqualification or transfer.

(f) The costs and expenses of any such proceeding shall be determined by the court and shall be assessed against the domestic professional corporation, but all or any part of such costs and expenses may be apportioned and assessed as the court may deem equitable against the disqualified person if the court shall find that the

action of such disqualified person in failing to accept such offer was arbitrary or vexatious or not in good faith. Such expenses shall include reasonable compensation for and reasonable expenses of the appraisers and a reasonable attorney's fee but shall exclude the fees and expenses of counsel for and of experts employed by any party; but if the fair value of the shares as determined materially exceeds the amount which the domestic professional corporation offered to pay therefor, or if no offer was made, the court in its discretion may award to the disqualified person such sum as the court may determine to be reasonable compensation to any expert or experts employed by the disqualified person in the proceeding.

(g) If a purchase, redemption, or transfer of the shares of a deceased or disqualified shareholder or of a transferee who is a disqualified person is not completed within twelve months after the death of the deceased shareholder or twelve months after the disqualification or transfer, as the case may be, the domestic professional corporation shall forthwith cancel the shares on its books and the disqualified person shall have no further interest as a shareholder in the domestic professional corporation other than his right to payment for such shares under this section.

(h) Shares acquired by a domestic professional corporation pursuant to payment of the agreed value therefor or to payment of the judgment entered therefor, as in this section provided, may be held, cancelled or disposed of by such domestic professional corporation as in the case of other treasury shares.

(i) This section shall not be deemed to require the purchase of shares of a disqualified person where the period of such disqualification is for less than twelve months from the date of disqualification or transfer.

(j) Any provision regarding purchase, redemption or transfer of shares of a domestic professional corporation contained in the articles of incorporation, bylaws or any private agreement shall be specifically enforceable in the courts of Alabama.

(k) Nothing herein contained shall prevent or relieve a domestic professional corporation from paying pension benefits or other deferred compensation for services rendered to or on behalf of a former shareholder as otherwise permitted by law.

(l) A domestic professional corporation may purchase its own shares from a disqualified person without regard to the availability of capital or surplus for such purchase; however, no purchase or payment for such shares shall be made at a time when the domestic professional corporation is insolvent or when such purchase or payment would make it insolvent.

(m) The foregoing provisions of this section shall not apply to a domestic not-for-profit professional corporation. Any member of such a corporation who becomes a disqualified person must cease being a member not more than 12 months after the date of disqualification, if he is then a disqualified person.

SECTION 11. LIABILITY

(a) Every individual who renders professional services as an employee of a domestic or professional corporation shall be liable for any negligent or wrongful act or omission in which he personally participates to the same extent as if he rendered such services as a sole practitioner.

(b) The personal liability of a shareholder, employee, director or officer of a domestic professional corporation (other than a not-for-profit corporation) shall be no greater in any respect than that of a shareholder, employee, director or officer of a corporation organized under the Alabama Business Corporation Act.

(c) The personal liability of a member employee, director, or officer of a domestic not-for-profit professional corporation shall be no greater in any respect than that of a member, employee, director, or officer of a corporation organized under the Alabama Nonprofit Corporation Act.

(d) The personal liability of a shareholder, member, employee, director, or officer of a foreign professional corporation shall be determined under the law of the jurisdiction in which it is organized.

SECTION 12. PROFESSIONAL RELATIONSHIPS; PRIVILEGED COMMUNICATIONS

(a) The relationship between an individual performing professional services as an employee of a professional corporation, domestic or foreign, and a client or patient shall be the same as if the individual performed such services as a sole practitioner.

(b) The relationship between a professional corporation, domestic, or foreign, performing professional services and the client or patient shall be the same as between the client or patient and the individual performing the services.

(c) Any privilege applicable to communications between a person rendering professional services and the person receiving such services recognized under the laws of Alabama, whether statutory or deriving from common law, shall remain inviolate and shall extend to a professional corporation, domestic or foreign, and its employees in all cases in which it would be applicable to communications between an individual rendering such professional services and a person receiving such services.

SECTION 13. VOTING TRUSTS

A voting trust with respect to shares of a domestic professional corporation shall not be valid unless all the trustees and beneficiaries thereof are qualified persons, except that a voting trust may be validly continued for a period of twelve months after the death of a deceased beneficiary or after a beneficiary has become a disqualified person.

SECTION 14. DIRECTORS AND OFFICERS

At least one director of a domestic professional corporation and the president of a domestic professional corporation shall be qualified persons with respect to the corporation; provided, however, that the foregoing restriction should not apply for a period of twelve months after the death of the sole shareholder of a domestic professional corporation.

SECTION 15. AMENDMENTS TO ARTICLES OF INCORPORATION

Administrators, executors, guardians, conservators, or receivers of the estates of the shareholders of a domestic professional corporation who hold all of the outstanding shares of the corporation may amend the articles of incorporation by signing a written consent to such amendment. Articles of amendment so adopted shall be executed in duplicate by the domestic professional corporation by such administrators, executors, guardians, conservators, or receivers and by the secretary or assistant secretary of the domestic professional corporation, and verified by one of the persons signing such articles, and shall be filed with the probate judge of the county in which such corporations's articles of incorporation were filed. Such articles of amendment shall set forth:

- (1) the name of the corporation;
- (2) the amendments so adopted;
- (3) the date of adoption of the amendments by the administrators, executors, guardians, conservators, or receivers;
- (4) a statement that the administrators, executors, guardians, conservators or receivers, own all the outstanding shares.

SECTION 16. MERGER AND CONSOLIDATION

(a) A domestic professional corporation may merge or consolidate with another corporation, or professional corporation, domestic or foreign. Upon such merger or consolidation if the surviving or new corporation, as the case may be, is to render professional services in Alabama, it shall comply with the provisions of this Act.

(b) An unincorporated professional association organized

under Title 10, Chapter 10, Code of Alabama may merge or consolidate with a professional corporation organized under this Act. In such merger, the procedure specified in Article 5 of Title 10, Chapter 2A, Code of Alabama shall apply, provided that:

(1) the surviving corporation shall be a domestic professional corporation,

(2) the following terms, when used in said Article 5 to refer to an unincorporated professional association, shall have the following meanings:

(A) "Board of Directors" shall mean "Board of Governors,"

(B) "Corporation" shall mean "unincorporated association,"

(C) "Shares or securities" in the case of an unincorporated professional association which is a nonstock organization, shall mean the undivided interests of the members in the assets of the association,

(D) "Shareholder" in the case of an unincorporated association which is a non-stock organization, shall mean "member."

(3) The plan of merger or plan of consolidation shall be approved by a vote of two thirds of the members of the professional association.

SECTION 17. INVOLUNTARY DISSOLUTION AT REQUEST OF LICENSING AUTHORITY

The attorney general may institute proceedings to involuntarily dissolve a domestic professional corporation under Article 7 of the Alabama Business Corporation Act, or, in the case of a domestic not-for-profit corporation, to involuntarily dissolve it under the provisions of the Alabama Nonprofit Corporation Act. A licensing authority may request that the attorney general institute such proceedings.

SECTION 18. ADMISSION OF FOREIGN PROFESSIONAL CORPORATIONS

(a) A foreign professional corporation shall be entitled to procure a certificate of authority to render professional services in Alabama only if:

(1) a professional corporation incorporated under this Act would be allowed to procure a certificate of authority or equivalent authorization to render professional services in the state under whose laws the foreign professional corporation is organized;

(2) the foreign professional corporation meets the requirements of Section 4 of this Act;

(3) the foreign professional corporation designates the Alabama licensed individual or individuals through whom it will render professional services in Alabama and such individual or individuals are not, at time of such designation, or so designated by any other foreign professional corporation;

(4) the name of the foreign professional corporation meets the requirements of Section 8 of this Act, provided that the foreign professional corporation can meet the requirements of paragraph (1) of said Section 8 by adding at the end of its name, for use in Alabama, the words "professional corporation" or the abbreviation "P.C."; and

(5) all the shareholders (or all the members, in the cases of not-for-profit corporation which has members), at least one director and the president of the foreign professional corporation are licensed in at least one state or territory of the United States or the District of Columbia to render the professional services which the foreign professional corporation would render in Alabama.

(6) the foreign professional corporation includes in its application a statement acknowledging that it will be subject to the jurisdiction of the Alabama regulatory and licensing authorities with respect to any professional services rendered to clients or patients in Alabama.

(b) No foreign professional corporation shall maintain an office in Alabama for the conduct of business or professional practice until it has obtained a certificate of authority to render professional services in Alabama.

SECTION 19. REVOCATION OF CERTIFICATE OF AUTHORITY

The certificate of authority of a foreign professional corporation may be revoked by the secretary of state if the corporation fails to comply with any provisions of the Act applicable to it. Each licensing authority in Alabama shall certify to the secretary of state, from time to time, the names of all foreign professional corporations which have given cause for revocation as provided in this Act, together with the facts pertinent thereto. Whenever a licensing authority shall certify the name of the foreign professional corporation to the secretary of state as having given cause for revocation, the licensing authority shall currently mail to the corporation at its registered office in Alabama notice that such certification has been made. No certificate of authority of a foreign professional corporation shall be revoked by the secretary of state unless he shall be given the corporation not less than sixty days' notice thereof and the corporation shall fail prior to revocation to correct such noncompliance.

SECTION 20. ANNUAL REPORT OF DOMESTIC AND FOREIGN PROFESSIONAL CORPORATIONS

(a) Every professional corporation, domestic or foreign which is required to file an annual report under section 10-2A-260, Code of Alabama, shall include in such annual report, in addition to the items required by Section 10-2A-260:

(1) a statement that all the shareholders, at least one director, and the president of the corporation are qualified persons with respect to the corporation, and

(2) in the case of a foreign professional corporation, the name or names of the Alabama-licensed professional or professionals through whom the foreign professional corporation will render professional services in Alabama.

(b) Financial information contained in the annual report of a professional corporation, other than the amount of stated capital of the corporation, shall not be open to public inspection nor shall the licensing authority disclose any facts or information obtained therefrom except insofar as its official duty may require the same to be made public or in the event such information is required for evidence in any criminal proceedings or in any other action by the state of Alabama.

SECTION 21. INTERROGATORIES BY LICENSING AUTHORITY

(a) Each licensing authority of Alabama may propound to any professional corporations, domestic or foreign, organized to practice a profession within the jurisdiction of such licensing authority, and to any officer or director thereof, such interrogatories as may be reasonably necessary and proper to enable the licensing authority to ascertain whether such corporation has complied with all the provisions of this Act applicable to such professional corporation. Such interrogatories shall be answered within thirty days after the mailing thereof, or within such additional time as shall be fixed by the licensing authority, and the answers thereto shall be full and complete and shall be made in writing and under oath. If such interrogatories be directed to an individual they shall be answered by him, and if directed to a corporation they shall be answered by the president, vice president, secretary or assistant secretary thereof. The licensing authority shall certify to the attorney general for such action as the attorney general may deem appropriate, all interrogatories and answers thereto which disclose a violation of any of the provisions of this Act.

(b) Interrogatories propounded by a licensing authority and the answers thereto shall not be open to public inspection nor shall

the licensing authority disclose any facts or information obtained therefrom except insofar as its official duty may require the same to be made public or in the event such interrogatories or the answers thereto are required for evidence in any criminal proceedings or in any other action by the state of Alabama.

SECTION 22. PENALTIES AND REMEDIES

(a) Each officer and director of a professional corporation, domestic or foreign, who signs any articles, statement, report, application, answer to an interrogatory, or other document filed pursuant to this Act with the licensing authority having jurisdiction which is known to such officer or director to be false in any material respect, shall be deemed to be guilty of a Class C misdemeanor.

(b) If any professional corporation, domestic or foreign, or individual shall fail to answer interrogatories directed to such professional corporation or to such individual under Section 21 of this Act, the licensing authority which propounded such interrogatories may seek an order from the Circuit Court compelling an answer.

SECTION 23. REGULATION OF PROFESSIONAL CORPORATIONS

(a) Nothing in this Act shall restrict or limit in any manner the authority or duty of a licensing authority with respect to individuals rendering a professional service within the jurisdiction of the licensing authority. Nothing in this Act shall restrict or limit any law, rule or regulation pertaining to standards of professional conduct.

(b) Nothing in this Act shall limit the authority of a licensing authority to impose requirements in addition to those stated in this Act on any professional corporation, domestic or foreign, within the jurisdiction of the licensing authority.

SECTION 24. APPLICATION TO EXISTING CORPORATIONS

(a) The provisions of this Act shall apply to all existing corporations organized under Article 11 of Chapter 4, Title 10, Code of Alabama. The repeal of a prior act by this Act shall not impair, or otherwise affect, the organization or continued existence of an existing domestic professional corporation nor the right of any foreign professional corporation presently qualified to render professional services in Alabama to continue to do so without again qualifying to render professional services in Alabama.

(b) Any unincorporated professional association organized under Title 10, Article 10, Code of Alabama may become subject to the provisions of this Act by amending its articles of association as

articles of incorporation in compliance with this Act, and filing duly executed duplicate originals of such articles of incorporation with the probate judge of the county in which its articles of association were filed.

(c) Any domestic not-for-profit corporation rendering professional services may become subject to the provisions of this Act by amending its articles of incorporation in compliance with this Act and filing duly executed duplicate originals of such articles with the probate judge of the county in which its articles of incorporation were filed.

(d) The provisions of this Act shall not apply to any unincorporated professional association now in existence under Title 10, Chapter 10, Code of Alabama or to any domestic not-for-profit corporation rendering professional services unless such association or not-for-profit corporation voluntarily becomes subject to this Act as herein provided, and nothing contained in this Act shall alter or affect any existing or future right or privilege permitting or not prohibiting performance of professional services through the use of any other form of business organization.

SECTION 25. RESERVATION OF POWER

The legislature shall at all times have power to prescribe such regulations, provisions and limitations as it may deem advisable, which regulations, provisions and limitations shall be binding upon any and all corporations subject to the provisions of this Act, and the legislature shall have power to amend, repeal or modify this Act at pleasure.

SECTION 26. EFFECT OF REPEAL OF PRIOR ACTS

The repeal of a prior act by this Act shall not affect any right accrued or established, or any liability or penalty incurred, under the provisions of such act, prior to the repeal thereof.

SECTION 27. EFFECT OF INVALIDITY OF PART OF THIS ACT

If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section or part of this Act, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this Act, but the effect thereof shall be confined to the clause, sentence, paragraph, section or part of this Act so adjudged to be invalid or unconstitutional.

SECTION 28. APPLICATION TO PROFESSIONAL ASSOCIATIONS

Title 10, Article 10, Code of Alabama shall only apply to unincorporated associations organized before the effective date of this

Act.

SECTION 29. REPEAL OF PRIOR ACTS

Article 11 of Chapter 4, Title 10, Code of Alabama is hereby repealed.

SECTION 30. AMENDMENT OF STATUTE GOVERNING UNINCORPORATED PROFESSIONAL ASSOCIATIONS

Section 2 of Chapter 10 of Title 10, Code of Alabama, is hereby amended to read as follows:

§ 10-10-2. Laws governing—Generally.

(a) Professional associations organized pursuant to this chapter shall be governed generally by all laws governing or applicable to corporations, where applicable, and not in conflict herewith. No such association shall be held or deemed to be a partnership, nor shall such association be governed by laws relating to partnerships.

(b) This chapter shall apply only to professional associations organized hereunder before January 1, 1984.

SECTION 31. EFFECTIVE DATE

This Act shall become effective on January 1, 1984.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-515

S. 68—Senator Parsons

AN ACT

To amend Section 41-16-51, Code of Alabama 1975, which exempts certain contracts from the requirements of the competitive bid law, so as to exempt contracts up for renewal entered into by municipalities and/or counties for sanitation services; and to clarify the exemption relating to the expenditure of funds by utility systems for supplies or materials.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-16-51, Code of Alabama 1975, is hereby amended to read as follows:

“§ 41-16-51. (a) Competitive bids shall not be required for utility services, the rates for which are fixed by law, regulation or ordinance, and the competitive bidding requirements of this article shall not apply to:

“(1) The purchase of insurance;

“(2) The purchase of ballots and supplies for conducting any primary, general, special or municipal election;

“(3) Contracts for the securing of services of attorneys, physicians, architects, teachers, superintendents of construction, artists, appraisers, engineers, consultants, certified public accountants, public accountants or other individuals possessing a high degree of professional skill where the personality of the individual plays a decisive part;

“(4) Contracts of employment in the regular civil service;

“(5) Contracts for furnishing of fiscal or financial advice or services;

“(6) Purchases of products made or manufactured by the blind or visually handicapped under the direction of supervision of the Alabama Institute for Deaf and Blind in accordance with sections 21-2-1 through 21-2-4;

“(7) Purchase federal agency;

“(8) Purchases of manuscripts, books, maps, pamphlets or periodicals;

“(9) The selection of paying agents and trustees for any security issued by a public body;

“(10) Existing contracts up for renewal for sanitation or solid waste collection and disposal between municipalities and/or counties, and those providing the service; nor

“(11) Contractual services and purchases of commodities for which there is only one vendor or supplier and contractual services and purchases of personal property which by their very nature are impossible of award by competitive bidding.

“(b) This article shall not apply to:

“(1) Any purchases of products where the price of such products is already regulated and established by state law;

“(2) Purchases made by individual schools of the county or municipal public school systems from moneys other than those raised by taxation or received through appropriations from state or county sources;

“(3) The purchase, lease, sale, construction, installation, acquisition, improvement, enlargement or expansion of any building or structure or other facility designed or intended for lease or sale by a medical clinic board organized under the provisions of sections 11-58-1 through 11-58-14;

“(4) The purchase, lease or other acquisition of machinery,

equipment, supplies and other personal property or services by a medical clinic board organized under the provisions of sections 11-58-1 through 11-58-14;

“(5) Purchases for public hospitals and nursing homes operated by the governing boards of instrumentalities of the state, counties and municipalities;

“(6) Contracts for the purchase, lease, sale, construction, installation, acquisition, improvement, enlargement or extension of any plant, building, structure of other facility or any machinery, equipment, furniture or furnishings therefor designed or intended for lease or sale for industrial development, other than public utilities, under the provisions of sections 11-54-80 through 11-54-99 or sections 11-54-20 through 11-54-28 or any other statute or amendment to the Constitution of Alabama heretofore or hereafter enacted or adopted authorizing the construction of plants or other facilities for industrial development or for the construction and equipment of buildings for public building authorities under the provisions of sections 11-56-1 through 11-56-22; nor

“(7) The purchase of supplies or materials needed, used and consumed in the normal, routine and customary operation of any waterworks system, sanitary sewer system, gas system or electric system, or any two or more thereof, that are owned by municipalities, counties or public corporations, boards or authorities that are agencies, departments or instrumentalities of municipalities or counties and no part of the operating expenses of which system or systems have, during the then current fiscal year, been paid from revenues derived from taxes or from appropriations of the state, a county or a municipality; nor

“(8) Purchases made by local housing authorities, organized and existing under chapter 1, Title 24, from moneys other than those raised by state, county or city taxation or received through appropriations from state, county or city sources.

“(c) The said state trade schools, state junior colleges, state colleges and universities under the supervision and control of the state board of education, the city and county boards of education, the district boards of education of independent school districts, and county commissions and the governing bodies of the municipalities of the state shall establish and maintain such purchasing facilities and procedures as may be necessary to carry out the intent and purpose of this article by complying with the requirements for competitive bidding in the operation and management of each such state trade school, state junior college, state college or university under the supervision and control of the state board of education, the city and county boards of education, the district boards of education for

independent school districts, the county commissions and the governing bodies of the municipalities of the state and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards, and other like utility boards and commissions.

“(d) Contracts entered into in violation of this article shall be void.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-516

S. 65—Senator Teague

AN ACT

To amend Sections 34-27-2, 34-27-3, 34-27-4, 34-27-7, 34-27-11 and 34-27-30 through 34-27-38 of the Code of Alabama 1975 which regulate real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-27-2, 34-27-3, 34-27-4, 34-27-7, 34-27-11 and 34-27-30 through 34-27-38, Code of Alabama 1975, are hereby amended to read as follows:

“§ 34-27-2.

“(a) For purposes of this chapter, the following terms shall have the respective meanings ascribed by this section:

(1) **PERSON.** Such term includes partnerships and corporations.

(2) **REAL ESTATE BROKER.** Any person who, for a fee, commission or other valuable consideration, or who, with the intention or expectation of receiving or collecting a fee, commission or other valuable consideration, provides rent list, or lists, sells, purchases, exchanges, rents, leases, options or auctions real estate or the improvements thereon, or negotiates or attempts to negotiate any real estate transaction, or advertises or holds himself out as engaged in the real estate business.

“(3) **QUALIFYING BROKER.** A licensed broker making application for a broker's license for a corporation, partnership, or branch office; a broker licensed to do business as a sole proprietorship.

“(4) ASSOCIATE BROKER. A person licensed as a real estate broker and engaged by or on behalf of a licensed qualifying broker to do any act or deal in any activity regulated by this chapter for compensation or otherwise.

“(5) REAL ESTATE SALESMAN. A person licensed as a real estate salesman and engaged by or on behalf of a licensed qualifying broker to do any act or deal in any activity regulated by this chapter, for compensation or otherwise.

“(6) ENGAGE. The term engage or any derivative thereof, shall include all types of work relationships between a real estate qualifying broker, associate broker and a real estate salesman whether they be master-servant, independent contractor, or otherwise.

“(7) INACTIVE STATUS. The terms “active” and “inactive” refer to the status of the license rather than the level of activity of the licensee. An inactive license is one being held by the Alabama real estate commission office at the request of the licensee.

“(8) LICENSE PERIOD. That period of time beginning on October 1 of a year designated by the real estate commission to be the first year of a license period and ending on midnight September 30 of the year designated by the commission as the final year of that license period. A license period may be one or more years in length.

“(b) This chapter shall not be applicable to any:

“(1) Person who, as a bonafide owner or lessor, performs any act with reference to property owned or leased where such acts are performed as an incident to the management of such property and the investment therein;

“(2) Attorney-at-law performing his duties as an attorney-at-law;

“(3) Person not acting directly or indirectly for any compensation who is acting in good faith under a duly executed power of attorney for the owner for the purpose of closing a sale, purchase, lease or exchange of real estate;

“(4) State or national financial institution or any person acting as a receiver, a commissioner acting under order of court, trustee, administrator, executor or guardian under a court order or under a deed of trust or will;

“(5) Public officer performing his official duties;

“(6) Person who buys real estate and acquires title in his name, in his spouse’s name, in his son’s name or in his daughter’s name and who sells or leases such real estate without compensation

for his own account or for the account of his spouse, his son or his daughter;

“(7) Clerical or office help of a broker; provided, that such help shall not physically show listed property; or

“(8) Person acting as the resident manager for the owner or an employee acting as the resident manager for a broker managing an apartment building, duplex, apartment complex or court when such resident manager resides on the premises and is engaged in the leasing of property in connection with his employment.

“§ 34-27-3.

“(a) it shall be unlawful for any person, partnership or corporation who is not a bona fide citizen and Alabama resident and a licensed broker or licensed salesman in this state to perform any of the acts regulated by this chapter; except, that a licensed broker of another state may cooperate with a licensed broker of this state and any commission or fee resulting from such cooperative negotiations shall be divided by agreement between the cooperating brokers; provided, that the state in which the nonresident broker resides offers the same privileges to the licensees of this state.

“(b) In each instance herein where an Alabama broker enters into a cooperating agreement with a nonresident broker performing any of the acts regulated by this chapter within the state of Alabama, the Alabama broker must file immediately with the Alabama real estate commission a copy of the written agreement for each piece of property offered between the two brokers. Said agreement shall be filed with the Alabama real estate commission. By signing said agreement, said nonresident broker agrees to abide by the Alabama law, and the rules and regulations as set forth and be subject thereto, including an irrevocable consent that legal actions may be commenced against him in the proper court of any county of this state in which a cause of action may arise. Any licensed Alabama broker who fails to file said written agreement shall be deemed in violation of this chapter and shall be subject to a reprimand, fine, and/or revocation or suspension of his or her license.

“§ 34-27-4.

“All fees, fines and charges, except as otherwise provided in section 34-27-31 of this chapter, collected by the Alabama real estate commission under the provisions of this chapter shall be paid into the state treasury and shall constitute a separate fund to be disbursed by the state comptroller on order of the executive director at the director of the commission. A proportionate share of all monies collected by the commission as license fees and as late penalties for a multi-year license period which are collected during the first fiscal

year of that license period or during the renewal period immediately preceding that first year shall be reserved in the separate fund by the state comptroller to be disbursed for commission expenses incurred in the subsequent year(s) of that license period. The proportion for each year shall be determined by dividing the amount of monies collected by the commission as license fees and late penalties during that first year or during the renewal period immediately preceding that first year by the number of years within that multi-year license period. All other monies collected by the commission shall be disbursed during the fiscal year in which they are collected. All expenses incurred by the commission under the provisions of this chapter, including the compensation of members, employees, attorneys and witnesses, shall be paid out of the separate fund in the state treasury upon warrants of the state comptroller drawn upon the state treasury from time to time when vouchers therefor are exhibited and approved by the executive director. The state treasurer is directed to pay money out of the separate fund hereinabove provided for upon the order of the executive director of the commission; provided, that, the total expenses for every purpose incurred shall not exceed the total fees and charges collected and paid into the state treasury; provided, the total expense for every purpose incurred in carrying out the provisions of this chapter shall not exceed the amount appropriated therefor by the legislature in the general appropriation bill; and provided further, that no funds shall be withdrawn or expended except as shall be budgeted and allotted in accordance with the provisions of article 4 of chapter 4 of Title 41 of this Code, and all monies remaining unexpended in the separate fund hereinabove provided, except for those monies reserved by the state comptroller for disbursement in the subsequent years of a multi-year license period, at the end of each fiscal year shall be conveyed to the state treasury to the credit of the general fund of the state of Alabama.

“§ 34-27-7.

“(a) There is hereby created the Alabama real estate commission. The commission shall consist of seven members appointed by the governor with the advice and consent of the senate. Appointments made at times when the senate is not in session shall be effective ad interim. Any appointment made by the governor while the senate is in session must be submitted to the senate not later than the third legislative day following the date of appointment; any appointment made while the senate is not in session shall be submitted not later than the third legislative day following the reconvening of the legislature. Each appointee shall have been a resident and citizen of this state for at least 10 years prior to his appointment and whose vocation for at least 10 years shall have been that of a

real estate broker or real estate salesman. No person convicted of a violation of former Title 46, Section 298 through 311, Code of Alabama 1940, or of this chapter shall be eligible to serve. Not more than one member from any congressional district shall be appointed to serve at the same time. The members of the commission shall be appointed to serve terms of five years each. At the expiration of each term, the governor shall appoint, subject to confirmation by the senate as provided above, a member to fill the vacancy, and such appointment shall be for a term of five years, or until his successor is appointed and qualifies. All appointments shall expire on September thirtieth of the final year of a term, or on the date a successor to the member is appointed and qualifies. In the event of a member not serving the full extent of his term, the governor shall appoint, subject to confirmation by the senate, a member to serve the unexpired portion of such term.

“(b) Immediately upon the appointment of any new commissioner, the commission shall organize by selecting from its members a chairman and may do all things necessary and convenient for carrying into effect the provisions of this chapter and may from time to time promulgate rules and regulations that are necessary to properly administer this chapter. Each member of the commission shall receive as full compensation for his services the sum of \$300.00 per month and his actual and necessary expenses incurred in the performance of duties pertaining to his office. The members of the real estate commission, the staff members, and the attorney(s) shall be reimbursed for their actual expenses for official travel on official business of the real estate commission within or without the state of Alabama.

“(c) The commission may employ an executive director and an assistant executive director, both of whom shall be exempted from the classified service under the general laws of the state, and such other staff members as it shall deem necessary to discharge the duties imposed by the provisions of this chapter and to effect its purposes, and the commission shall determine the duties and fix the compensation of such executive director, assistant executive director, and other staff members, subject to the general laws of the state.

“(d) The commission shall adopt a seal by which it shall authenticate its proceedings. Copies of all records and papers in the office of the commission duly certified and authenticated by the seal of said commission shall be received in evidence in all courts equally and with like effect as the original. All records kept in the office of the commission under authority of this chapter shall be open to public inspection under reasonable rules and regulations as shall be prescribed by the commission.

“(e) Any acts performed by a commissioner in carrying out the lawful duties of the commission shall not be subject to litigation for any acts taken as a commissioner.

“§ 34-27-11.

“(a) Any person violating a provision of this chapter shall, upon conviction of a first violation thereof, if a person, be punished by a fine of not less than \$100.00 nor more than \$500.00, or by imprisonment for a term not to exceed 90 days, or both, and, if a corporation, be punished by a fine of not more than \$1,000.00. Upon conviction of a second or subsequent violation, the violator, if a person, shall be punished by a fine of not less than \$500.00 nor more than \$1,000.00 or by imprisonment for a term not to exceed two years, or both, and, if a corporation, be punished by a fine of not less than \$2,000.00 nor more than \$5,000.00. Any officer or agent of a corporation, or any member or agent of a partnership who shall personally participate in or be accessory to any violation of this chapter by such corporation or partnership shall be subject to the penalties herein prescribed for individuals. Any court of competent jurisdiction shall have full power to try any violation of this chapter, and upon conviction, the court may impose the penalties herein provided for in this section.

“(b) Whoever willfully violates any lawful rule, regulation or order of the commission or whoever is adjudged guilty of any offense specified in section 34-27-3 or section 34-27-36, after a hearing as provided in section 34-27-37, or after entering a plea of guilty in lieu of such hearing, may be officially reprimanded by the commission or may be required by the commission to pay a penalty of not less than \$25.00 nor more than \$500.00 to be assessed and collected by the commission; or, if a licensee, may have his license suspended or revoked and, in addition, be required by the commission to pay a penalty of not less than \$25.00 nor more than \$500.00. Any party penalized under this subsection shall have the right of review as provided for in section 34-27-38.

“§ 34-27-30.

“It shall be unlawful for any person, partnership, corporation or branch office, for a fee, commission or other valuable consideration or with the intention or expectation of receiving or collecting a fee, commission, or other valuable consideration to provide rents lists, or to list, sell, purchase, exchange, rent, lease, option or auction real estate or the improvements thereon, or to negotiate or attempt to negotiate any real estate transaction, or to advertise or hold himself out as engaged in the real estate business unless such person, partnership or corporation, or branch office, is licensed as a broker or salesman under the provisions of this chapter or is excluded from

the operation of this chapter by other provisions hereof.

“§ 34-27-31.

“(a) Licenses shall be granted only to persons who are trustworthy and competent to transact the business of a real estate broker or real estate salesman in such manner as to safeguard the interest of the public. Every applicant for a license as a real estate broker or real estate salesman should be a person who has not been convicted of a felony or a criminal offense involving moral turpitude in this or any other state. The applicant shall reveal on his application any convictions. The applicant must be a person whose application or license has not been rejected or revoked in this state or any other state within two years prior to date of application on any grounds other than failure to pass the written examination. Each applicant for a license shall be at least 19 years of age, and shall be a citizen of the United States or shall possess a certification of lawful permanent residence issued by the immigration and naturalization bureau of the United States Government.

“(b) Each qualifying broker must sign a statement that he accepts the responsibility for the actions covered by this chapter of any and all salesman or associate brokers licensed under him or any corporation or partnership for whom he is the qualifying broker. It shall be the duty and responsibility of every qualifying broker to see that all transactions of every licensee engaged by him or any corporation, partnership or branch office for which he is qualifying broker comply with the provisions of this chapter. The qualifying broker shall be responsible to any injured party for the damage caused to such party by any violation of this chapter by any licensee engaged by him. This subsection in no wise relieves any licensee or any corporation partnership or branch office from any liability that he would have without this chapter.

“(c) The commission is authorized and directed to establish and maintain a real estate recovery fund from which any person, except real estate licensees or bonding companies when they are not principals in a real estate transaction, aggrieved by an act or omission of a duly licensed broker, salesman, corporation, partnership or branch office, which is in violation of the provisions of this chapter or the regulations promulgated pursuant thereto, may recover, by order of the circuit court or other court having competent jurisdiction where the violation occurred, for only actual or compensatory damages, and not including interest and costs sustained by the act, representation, transaction or conduct; provided, that nothing shall be construed to obligate the fund for more than \$25,000.00 per transaction regardless of the number of persons aggrieved or parcels of real estate involved in such transaction; nor shall any provision hereof be

construed to prohibit any person from exercising the option of purchasing a bond in the open market payable to the state of Alabama in the amount of \$50,000.00. Said bond shall provide coverage equivalent to the coverage provided by the real estate recovery fund. In addition:

“(1) This section shall not be construed to obligate the fund for the acts or omissions of a licensed broker, salesman, corporation, partnership or branch office while acting on his own behalf in property owned by him or in which he has an interest or for the acts or omissions of inactive licensees. Nor shall the fund be obligated for any judgment or settlement resulting from an act or omission committed in violation of this chapter or any chapter governing the issuance of timesharing sales licenses when such act or omission was done in conjunction with a timesharing project and the party committing the act or omission was licensed under the timesharing license law.

“(2) The liability of the fund for the acts or omissions of a duly licensed broker, salesman, corporation, partnership or branch office, when acting as such, is terminated upon the issuance of court orders authorizing payments from the fund for judgments, or any unsatisfied portion of judgments, in an aggregate amount of \$50,000.00 on behalf of such licensee.

When any person makes application for an original license to practice as a broker, salesman, corporation, partnership or branch office, he shall pay, in addition to his original license fee, a fee of \$30.00 for deposit in the real estate recovery fund. In the event the commission does not issue the license, this fee shall be returned to the applicant.

“(d) If, during any given fiscal year, the balance remaining in the real estate recovery fund is less than \$500,000.00, every licensee, shall pay, a fee of \$30.00 for deposit in the real estate recovery fund, unless his license is on inactive status. If any licensee who is exempted from paying the real estate recovery fund fee by virtue of his license being on inactive status should activate his license during such a license period, he shall pay at the time his license is activated a fee of \$30.00. No licensee shall be required to pay into the recovery fund more than \$30.00 for any one fiscal year.

“(e) (1) No action for a judgment which subsequently results in an order for collection from the real estate recovery fund shall be started later than as provided by appropriate Alabama statute of limitation of action thereon. When any aggrieved person commences action for a judgment which may result in collection from the real estate recovery fund, the aggrieved person shall notify the commission in writing, by certified mail, return receipt requested, to this

effect at the time of the commencement of such action. The commission is hereby authorized to employ legal counsel and shall have the right to intervene in and defend any such action. Any expenses incurred will be paid from the recovery fund. The commission is further authorized to settle or compromise said claim, and in that event, the claim may be paid directly from the fund.

“(2) When any aggrieved person recovers a valid judgment in any court of competent jurisdiction against any licensee, for any act or omission which is in violation of the provisions of this chapter or the regulations promulgated pursuant thereto, which occurred on or after October 1, 1979, the aggrieved person may, upon the termination of all proceedings, including reviews and appeals in connection with the judgment, file a verified claim in the court in which the judgment was entered and, upon 10 days written notice to the commission, may apply to the court for an order directing payment out of the real estate recovery fund of the amount unpaid upon the judgment, subject to the limitations stated in this section.

“(3) The court shall proceed upon such application in a summary manner, and, upon the hearing thereof, the aggrieved person shall be required to show:

“a. He is not a spouse of debtor, or the personal representative of such spouse;

“b. He has obtained a judgment, as set out in subdivision (2) of subsection (e) of this section, stating the amount thereof and the amount owing thereon at the date of the application, and, that in such action, he had joined any and all bonding companies which issued corporate surety bonds to the judgment debtors as principals and all other necessary parties;

“c. That the following items, if any, as recovered by him, have been applied to the actual compensatory damages awarded by the court:

“1. Any amount recovered from the judgment debtor or debtors;

“2. Any amount recovered from the bonding company or companies;

“3. Any amount recovered in out-of-court settlements as to particular defendants.

“(4) The court shall make an order directed to the commission requiring payment from the real estate recovery fund of whatever sum it shall find to be payable upon the claim, pursuant to the provisions of and in accordance with the limitations contained in this section, if the court is satisfied, upon the hearing, of the truth of all

matters required to be shown by the aggrieved person.

“(5) Should the commission pay from the real estate recovery fund any amount in settlement of a claim or toward satisfaction of a judgment against a licensee, the license of such licensee may be terminated by the commission, upon the issuance of a court order authorizing payment from the real estate recovery fund, and no such licensee shall be eligible to receive a new license, at the discretion of the commission, until he has repaid in full, plus interest at the rate of ten percent a year, the amount paid from the real estate recovery fund on his account. A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided, in this subdivision.

“(6) If, at any time, the money deposited in the real estate recovery fund is insufficient to satisfy any duly authorized claim or portion thereof, the commission shall, when sufficient money has been deposited in the real estate recovery fund, satisfy such unpaid claims or portions thereof in the order that such claims or portions thereof were originally filed, plus accumulated interest at the rate of six percent a year.

“(f) The sums received by the commission pursuant to any provisions of this section shall be deposited into the state treasury and held in a special fund to be known as the real estate recovery fund, and shall be held by the commission in trust for carrying out the purposes of this section. These funds may be invested by the state treasurer in any investments which are legal for domestic life insurance companies under the laws of this state. Any interest or other income from investments of this fund shall be deposited in the state treasury. At the end of any fiscal year wherein the recovery fund exceeds \$500,000.00, any interest or other income thereon shall be disbursed as follows: fifty percent to the general fund and fifty percent to the credit of the Alabama real estate commission to be disbursed at their discretion for any real estate commission purpose.

“(g) It shall be unlawful for any person or his agent to file with the commission any notice, statement or other document required under the provisions of this section which is false, untrue or contains any material misstatement of facts and shall constitute a misdemeanor.

“(h) When the commission receives notice, as provided in subsection (e), the commission may enter an appearance, file an answer, appear at the court hearing, defend the action or take whatever other action it may deem appropriate on the behalf and in the name of the defendant, and take recourse through any appropriate method of review on behalf and in the name of the defendant.

“(i) When, upon the order of the court, the commission has paid from the real estate recovery fund any sum to the judgment creditor, the commission shall be subrogated to all of the rights of the judgment creditor, and the judgment creditor shall assign all his right, title and interest in the judgment to the commission, and any amount and interest so recovered by the commission on the judgment shall be deposited to the fund.

“(j) The failure of an aggrieved person to comply with all of the provisions of this section shall constitute a waiver of any rights hereunder.

“(k) If at any time there is rendered a final judgment against a licensee under this chapter, the license of the principal may be suspended. A judgment shall be considered final when no further relief is available from said judgment in the appeal courts of Alabama. In case of such suspension of license, the commission shall give notice to the licensee that his license is suspended, and said licensee shall deliver his license to the commission for disposition. Upon request by the suspended licensee, the commission will set a date designating the date, time and place thereon for a hearing on the question of whether the license under suspension should be revoked, whether the suspension should be continued or whether the suspension should be terminated upon the fulfillment of reasonable conditions imposed by the commission. The hearing shall be conducted as hereinafter provided. No salesman or broker whose license has been revoked may apply for a license hereunder until at least two years after the date of such revocation and, in the event of such application for reinstatement, he shall meet all the requirements imposed upon an original applicant for a license under this chapter and shall not be relicensed unless a majority of the commission votes in favor of such relicensing.

“(1) it shall be the duty of every licensee, within ten days after receipt by him of a citation issued to him from any court of competent jurisdiction or within ten days from the institution of any prosecution against him, the subject matter of which involved a transaction, to which he was a party, of any real estate matter or which involved the good will of an existing real estate business, to notify the commission of such citation or prosecution in writing. Such notification shall be by United States registered mail or certified mail and shall include a copy of any complaint naming the licensee as defendant, or in the event of a criminal charge, the specific charge made against the licensee. For failure to give such notification within the ten day period the commission may suspend the license of such licensee from the date on which he receives written notice of suspension from the commission until he is reinstated by the commission or in lieu of or in addition to such suspension, the commis-

sion may impose an official reprimand or a fine of not less than \$25.00 nor more than \$500.00.

“(m) It shall be the duty of every licensee to report to the commission within ten days after receipt by him of notice of such, the rendering of a judgment against him, or of a criminal verdict against him, or of the withdrawal or dismissal of any civil or criminal action pending against him when such judgment, verdict, withdrawal or dismissal concerned a legal action involving a real estate matter or the good will of a real estate company. Such notification shall be in writing and shall include a copy of the court order or other official document by which the licensee was notified of the judgment, verdict, withdrawal or dismissal. The notification shall be by United States certified mail or registered mail. For failure to give such notification within the ten day period, the commission may suspend the license of such licensee from the date on which he receives written notice of the suspension from the commission until the license is reinstated by the commission, or in lieu of or in addition to such suspension, the commission may impose an official reprimand or a fine of not less than \$25.00 nor more than \$500.00.

“34-27-32.

“(a) Every application for a real estate broker's license shall apply therefor in writing upon blanks prepared by the commission. Along with the application, he shall submit proof satisfactory to the commission that he has been engaged full time as a real estate broker or salesman licensed by the state of Alabama or another state for a period of at least two years immediately prior to the date of application and proof that he has been awarded a diploma from a duly accredited high school, or a certificate from a recognized educational institution equivalent to a high school diploma. He shall also submit proof that he has completed a course in real estate approved by the commission. In lieu of two years' experience as a salesman and completion of a course approved by the Alabama real estate commission, said applicant may furnish a certificate that he has received a degree in real estate or successfully completed at least 15 semester hours or its equivalent in real estate subjects at an accredited college or university approved by the commission. He shall also furnish such other data and information as the commission may require.

“(b) Every applicant for a salesman's license shall apply therefor in writing upon blanks prepared by the commission and shall furnish such data and information as the commission may require. Along with the application, he shall submit proof that he has been awarded a diploma from a duly accredited high school or a certificate from a recognized educational institution equivalent to a high

school diploma. Said applicant shall also furnish proof that he has successfully completed a course in real estate approved by the commission. The applicant shall be allowed 60 days after passage of the examination to secure a broker for sponsorship, after which time he must meet the requirements of an original applicant. With the submission of the proper license fee, the broker under whom he is to be licensed must sign a sworn statement that the salesman is, in his opinion, honest, trustworthy, of good reputation, and that he accepts responsibility for the actions of such salesman as set out in section 34-27-31.

“(c) An application for a broker’s license for a corporation, partnership or branch office shall be made by a qualifying broker. No broker’s license shall be issued to a corporation partnership or branch office unless an officer, partner or employee so designated to qualify the corporation, partnership or branch office has been issued a qualifying broker’s license as an individual. When the officer, employee or partner so designated has been issued a qualifying broker’s license as an individual and the corporation, partnership or branch office has complied with all pertinent requirements for the issuance of a broker’s license to it, the commission shall, for a fee of \$15.00, per year for each year within the applicable license period, issue to it a broker’s license. Each such designated officer, partner or employee of the corporation, partnership or branch office so licensed shall be entitled to perform all the acts of a qualifying broker as agent of such corporation, partnership or branch office, but shall not so act on his own behalf as long as he continues to be a qualifying broker, unless the written consent thereto of such corporation, partnership or branch office is filed with the commission.

“(d) If the applicant for a broker’s license maintains more than one place of business within the state, he shall apply for and obtain an additional firm license for each such branch office. Every application shall state the location of such branch office and the name of the person in charge of it. Each branch office shall be under the direction and supervision of a qualifying broker licensed at that address. The qualifying broker for the branch office and the qualifying broker for the corporation, partnership, or sole proprietorship shall share equal responsibility for the real estate activities of all licensees assigned to a branch office.

“(e) All applicants for a real estate license must be bona fide residents of this state prior to submitting application to take the examination, and shall submit evidence of such residence as required by the real estate commission.

“(f) A broker or salesman previously licensed and whose license has expired may renew same at anytime within the license pe-

riod following the license period within which he held a license upon application to the commission without taking a written examination; provided, that a penalty shall be paid as provided in section 34-27-35(b).

“(g) Any qualifying broker, properly authorized, may serve as qualifying broker for more than one corporation or partnership provided he first obtains the written consent of all corporations or partnerships for which he is already a qualifying broker; and further provided he is doing business from the same location. Any licensee licensed under a qualifying broker may be engaged by a corporation or partnership which has the same broker as a qualifying broker.

“(h) The license of a corporation or partnership shall cease unless at least one designated officer, partner or salesman, as the case may be, is a licensed broker, except as hereinafter provided. Within 30 days after the death or disability of the broker through whom the corporation or partnership has qualified as a broker hereunder, the corporation, or the remaining partner or partners or the successor partnership, if any, may designate another of its officers, members or salesmen duly designated by the governing body of such corporation or partnership to apply for a temporary license as broker, provided that the individual thus designated, if not already a licensed broker under this chapter, must have held an Alabama license as a salesman for a period of at least one year prior to the filing of his application to act as broker, and such corporation or partnership may continue to act as a broker for a period of six months after the death or disability of its qualifying broker. On or before the expiration of said six-month period, unless the corporation or partnership designates a person who is licensed as a broker unless other provisions of this chapter, some designated officer, member or salesman of such corporation or partnership must successfully complete the broker's examination and comply with all of the other requirements of this chapter for the licensing of a broker, otherwise the authority of such corporation or partnership to act as a real estate broker shall terminate at the end of such six-month period. During the six-month period the commission shall have the right to suspend or revoke the license of the partnership or corporation for cause as elsewhere provided herein.

“(i) No license issued by any municipality or by any county to any person, partnership, corporation, or branch office, purporting to license such person, partnership, corporation, or branch office to act as a real estate broker or salesman shall be valid unless such licensee holds a valid license issued to such applicant pursuant to this chapter.

“§ 34-27-33.

“(a) In addition to proof of the honesty, trustworthiness and good reputation of any applicant for a license, every applicant for a real estate broker's or real estate salesman's license shall submit to a reasonable written examination, exception as hereinabove provided, to be conducted by the commission. The commission shall conduct examinations at its discretion, but at least once quarterly, at such place and time as shall be set by the commission. The fee for such examination shall be \$75.00 for each and every examination taken by the applicant, and no refund shall be made in the event an applicant fails the examination, but such fee shall be deposited to the account of the Alabama real estate commission. The examination fee shall be paid by certified check, cashier's check, or money order. In the event an applicant is scheduled for an examination and fails to appear, one-half of the examination fee of \$75.00 will be forfeited. Liability for forfeiture occurs at the time the examination permit is issued.

“(b) In the event the license of any real estate broker or salesman shall be revoked by this commission, no new license shall be issued to such person, unless he meets all requirements of this chapter and complies with all provisions of this chapter.

“(c) No person shall be permitted or authorized to act as a real estate broker or salesman until he has qualified by examination, except as herein provided, and until he actually receives in his possession the license certificate issued by the Alabama real estate commission.

“(d) Upon satisfactorily passing such examination and complying with all other provisions of this law and conditions of this chapter, a license shall thereupon be issued to the successful applicant; and upon actually receiving such license certificate the applicant is authorized to conduct the business of a real estate broker or real estate salesman in this state.

“§ 34-27-34.

“(a) All licenses issued to a real estate broker shall designate the address of the principal place of business, and all licenses issued to a real estate salesman or associate broker shall designate the broker under whom said salesman or associate broker is licensed. A duly licensed broker whose principal business is other than that of a real estate broker shall not be allowed to serve as the qualifying broker for any licensed real estate salesman or associate broker, and no license shall be issued to any licensee purporting to work for any such licensed qualifying broker, unless it can be shown that the qualifying broker will be in a position to actually supervise the real estate activities of any such associate broker or salesman on a full time basis. Notice in writing shall be given to the commission by any

real estate salesman or associate broker of his desire to change his qualifying broker, and he shall send a copy of said notice to the qualifying broker under whom he is licensed, and he shall submit evidence to the commission that this has been done. A request for transfer directed to the commission by the licensed qualifying broker to whom the salesman or associate broker is about to transfer and a statement from the qualifying broker assuming liability for him shall be sent to the commission. Upon payment of a fee of \$25.00, a new license shall be issued by the commission to such salesman or associate broker for the unexpired term of the original license. No license transfer shall be made during the month of September of the final year of a license period except in case of undue hardship.

“(b) If for any reason a qualifying broker wishes to terminate his relationship as qualifying broker to a licensee and to be relieved of future responsibility for the acts of such licensee, he may do so by notifying the licensee and the commission in writing and sending in the licensee's license to the commission or certifying in writing to the commission that the license has been lost or destroyed.

“(c) If for any reason a qualifying broker wishes to terminate his status as a qualifying broker for a corporation, partnership or branch office and be relieved of future responsibility for the acts of the corporation, partnership or branch office, he may do so by notifying in writing the corporation, partnership or qualifying broker of the main office and the commission.

“(d) it shall be unlawful for any real estate salesman or associate broker to perform any of the acts contemplated by this chapter, either directly or indirectly, after his association with his qualifying broker has been terminated or if he changes qualifying brokers until another license has been issued by the Alabama real estate commission.

“§ 34-27-35.

“(a) The commission shall issue to each licensee a license in such form and of such size as shall be prescribed by the commission. A broker's license shall show the name and business address of the licensee and, if an associate broker, the name of his qualifying broker. A salesman's license shall show his name and the name of the qualifying broker under whom he is licensed. Each license shall have imprinted thereon the seal of the commission and, in addition to the foregoing, shall contain such matter as shall be prescribed by the commission. The license of each real estate salesman or associate broker shall be delivered or mailed to the real estate broker by whom such real estate salesman is employed business address of such salesman or associate broker shall be addressed to the atten-

tion of the qualifying broker for that office. Each such license shall be kept in the custody and control of the broker who serves as the qualifying broker of the office to which the licensed salesman or associate broker is assigned and shall be publicly displayed at that office.

“(b) The following fees or licenses shall be paid by all licensees in the state of Alabama. The original fee for each real estate broker’s license issued to an individual shall be \$25.00 per year for each year within the applicable license period, and the annual renewal fee for each such real estate broker’s license shall be \$25.00 per year for each year of the applicable period. The original fee for each real estate salesman’s license shall be \$15.00 per year for each year of the applicable license period, and the renewal fee for each real estate salesman’s license shall be \$15.00 per year for each year within the applicable license period. The original fee for each license issued to a corporation, partnership, or branch office, shall be \$15.00 per year for each year of the applicable license period, and the renewal fee for each such license shall be \$15.00 per year for each year of the license period.

The provisions of this subsection notwithstanding, no person who has purchased a bond in the open market, payable to the state of Alabama, shall be required to pay into the real estate recovery fund. Upon proof such bond provides coverage equivalent to the coverage provided by the real estate recovery fund, and in an amount not less than \$50,000.00, the commission shall waive any fee for deposit in the real estate recovery fund. In addition, no person whose license is on inactive status at the time of its renewal shall be required to pay a fee for deposit in the real estate recovery fund, unless and until such licensee shall activate his license during a license period for which a real estate recovery fund fee was required of all renewing licensees. In the event of such license activation, the licensee will be required to pay into the real estate recovery fund, at the time of the license activation, a fee for deposit of \$30.00.

“Required renewal fees must accompany a certificate of continuation in business, which must be filed on or before August 31 of the final year of each license period. Licensees who renew during the period from September 1 of the final year of a license period through October 31 of the initial year of the following license period, shall pay a penalty of \$15.00 in addition to the license fee. Any licensee renewing during the period from November 1 of the initial year of a license period through the end of that license period shall pay the required license fee, a penalty of \$15.00 and a \$50.00 reactivation fee. After the final day of a license period an unexpired license shall not be renewable and the licensee must apply as an original applicant. A broker or salesman who places his license on

inactive status rather than submitting a certificate of continuation in business will be subject to the same requirements for timely renewal and the same penalties for late renewal or non-renewal as other licensees.

“(c) Every applicant for a license as broker or salesman, other than an applicant for renewal of a existing license, shall pay, in addition to the fees provided for in subsection (b) of this section, the examination fee of \$75.00, which payment must be made by separate certified check, cashier’s check, post office money order or money order issued by any person duly licensed to do business in Alabama under Chapter 7 of Title 8 of this Code; provided, that an additional fee of \$75.00 is paid each time the examination is taken.

“(d) Licensees under this chapter shall be exempt from the provisions of sections 5-19-22 and 5-19-27 of the Code of Alabama.

“(e) Each licensee shall file, on or before August 31 of the final year of a license period, a certificate of continuation in business on a form prescribed by the Alabama real estate commission, or a request that his license be placed on, or continue on, inactive status for the upcoming license period.

“The certificate of continuation in business or a request for inactive status shall be mailed by the commission to the licensee’s place of business, if an active licensee, or to his residence if on inactive status, prior to August 1 of the final year of each license period. It shall be the responsibility of each licensee to notify the commission of any change of address.

“Every license shall expire at midnight on the thirtieth day of September of the final year of each license period. The license of any licensee who fails to file a certificate of continuation in business or a request for inactive status prior to the end of the thirtieth day of September of the final year of a license period shall not be renewable, and such broker or salesman shall be subject to all the requirements of such sections applicable to persons who have never been licensed, unless the commission for good cause shown, determines that the certificate of continuation or request for inactive status could not have been filed by the end of the thirtieth day of such September, but is filed within 15 days from said date.

“(f) The commission shall have the authority, at its discretion, to issue licenses, which shall be prepaid for a period of one or more years at the prevailing fees.

“(g) Effective August 1, 1983, a licensed broker or salesman may request to the real estate commission that his license be placed on inactive status and held at the commission office until such time as the license is reactivated.

“(h) Any licensee whose license has been on inactive status more than 50 percent of the time during a given license period shall not be able to activate his license during the following license period without first successfully completing a real estate course approved by the commission.

“§ 34-27-36.

“(a) The commission may upon its own motion and shall, upon the verified complaint in writing of any person, hold a hearing for the refusal to license or the suspension or revocation of a license previously issued. The commission shall have full power to refuse a license for cause or to revoke or suspend a license or otherwise punish the licensee, as provided herein, where such license has been obtained by false or fraudulent representation, or where the licensee, in performing or attempting to perform any of the acts mentioned herein, is deemed to be guilty of:

“(1) Making any substantial misrepresentations;

“(2) Making any false promises of a character likely to influence, persuade or induce any person to enter into any contract or agreement;

“(3) Pursuing a continued and flagrant course of misrepresentation or making of false promises through agents or salesmen or any medium of advertising or otherwise;

“(4) Publishing any misleading or untruthful advertising or using any other trade name or insignia of membership in any real estate organization of which the licensee is not a member;

“(5) Acting for more than one party in a transaction without the knowledge and consent in writing of all parties for whom he acts;

“(6) Failing, within a reasonable time, to account or to remit any moneys coming into his possession which belong to others; a complete record must be kept of funds showing to whom the money belongs, date deposited, date of withdrawal and other pertinent information concerning the transaction. All funds belonging to, or being held for others, shall be deposited in a separate account or accounts in a financial institution approved by the commission and accounted for at all times;

“(7) Placing a “for sale” or “for rent” sign on any property without the owner’s consent;

“(8) Failing to furnish voluntarily copies of all listings, sales contracts, leases or other agreements to all parties executing the same with reasonable promptness;

“(9) Paying any profit, compensation or commission to any person other than a duly licensed real estate broker or real estate salesman or multiple listing service;

“(10) Paying or receiving any rebate from any person in a real estate transaction;

“(11) Inducing any party to a contract, sale or lease to break such contract for the purpose of substitution in lieu thereof of a new contract, where such substitution is motivated by the personal gain of the licensee;

“(12) Accepting a commission or other valuable consideration as a real estate salesman or associate broker for the performance of any of the acts specified in this chapter from any person except the licensed real estate broker under whom he is licensed;

“(13) If the licensee is a qualifying broker, allowing a salesman or associate broker licensed under him or engaged by him to post signs on property advertising themselves as real estate agents without the name or trade name of the broker by whom the salesman or associate broker is engaged appearing thereon in letters of the same size or larger size than the name of the salesman or, associate broker or if the licensee is a salesman or associate broker, posting signs on property advertising himself or herself as a real estate agent without the name or trade name of the broker by whom the salesman or associate broker is engaged appearing thereon in letters of the same or larger size than the name of the salesman or associate broker;

“(14) Presenting to the Alabama real estate commission, as payment for a fee or fine, a check that is returned unpaid;

“(15) If a licensee is a broker, advertising by linear advertisements or otherwise to sell, buy, exchange, rent, lease, list or mortgage property in a manner indicating that the offer to sell, buy, exchange, rent, lease, list or mortgage such property is being made by a private party not engaged in the real estate business, and no advertisement shall be inserted in any publication where only a post office box number, telephone number or street address appears. Every broker shall, when advertising real estate, either through linear advertisements or otherwise, affirmatively and unmistakably indicate that the party advertising is a real estate broker and not a private party; provided, that a broker, if he is the owner of the property which he is advertising, has all the rights of a nonbroker owner;

“(16) If licensee is a qualifying broker, allowing any unlicensed salesman or associate broker to do any act or engage in any activity regulated by this chapter in the name of or under the authority of the qualifying broker;

"(17) If licensee is a salesman or associate broker, advertising to purchase any property or offering for sale, rent or lease any property under his own name as all advertising must be under the direct supervision and in the name or trade name of the broker by whom he is engaged; provided, that a salesman or associate broker, if he is the owner of the property which he is advertising, has all the rights of the nonsalesman owner;

"(18) Failing to disclose to an owner his intention or true position, whether he directly or indirectly purchased for himself or acquires or intends to acquire any interest in or options to purchase property which he or his associates have been employed to sell;

"(19) Wilfully violating any lawful rule, regulation or order of the commission;

"(20) Having been convicted in a court of competent jurisdiction of forgery, embezzlement, obtaining money under false pretenses, extortion, conspiracy to defraud or any other like offense;

"(21) If a broker, accepting a net listing. Any broker, when securing a listing, must add the broker's fee, thereby notifying the seller listing the property of the gross listed price therein;

"(22) Representing to any lender, guaranteeing agency or any other interested party, either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon;

"(23) Failure of a licensee to inform the buyer and seller at the time an offer is presented that he will be expected to pay certain closing costs such as discount points and the approximate amount of said costs;

"(24) Failure to disclose to a buyer a known material defect regarding the condition of a parcel of real estate of which a broker or salesman has knowledge;

"(25) Having been convicted of a felony or having entered a plea of guilty or nolo contendere to a felony charge;

"(26) Using prizes, money, free gifts or other valuable consideration as inducements to:

"a. Secure customers to purchase, rent or lease property when the awarding of such prizes, money, free gifts or other valuable consideration is conditioned upon the purchase, rental or lease; or

"b. Secure clients to list properties with registrant; or

"c. Solicit, sell or offer for sale real estate by offering free lots or conducting lotteries for the purpose of influencing a purchaser or

prospective purchaser of real estate;

“(27) Failure to include a fixed date of expiration in any written listing agreement and failing to leave a copy of the agreement with the principal; or

“(28) Any act of conduct, whether of the same or of a different character than hereinabove specified, which constitutes or demonstrates bad faith, incompetency or untrustworthiness or dishonest, fraudulent or improper dealing.

“(b) All brokers shall keep in their own files copies of all sales contracts of consummated sales for a period of three years. All brokers shall keep records of all funds of others coming into their hands showing to whom the money belongs, date deposited, date of withdrawal; and other pertinent information concerning the transaction for a period of three years. All above required records shall be subject to inspection by any member or duly authorized employee of the Alabama real estate commission.

“§ 34-27-37.

“(a) Upon a complaint initiated by the commission or filed with it, the accused shall be given 15 days notice of hearing upon the charges filed, together with a copy of the complaint. If the commission refused to license an applicant, notice of such refusal shall be given to the applicant by the commission, and he may, within 15 days after delivery of such notice, file a request for a hearing. The applicant or accused shall have an opportunity to be heard thereon in person or by counsel, to offer testimony in his behalf and to examine witnesses. Hearings shall be held by the commission in the county in which the applicant resides or in which the accused maintains his principal place of business, unless the applicant or accused agrees to be heard in another county. If the accused does not maintain his place of business in Alabama, then the hearing shall be held in his county of residence. If the accused neither resides or maintains a place of business in Alabama the hearing shall be held in Montgomery County. At such hearings, all witnesses shall be sworn in by a member of the commission, the executive director, the assistant executive director, or a hearing officer. The commission shall render a written order on any complaint within 30 days from the final hearing on such complaint and shall immediately notify the parties to the proceedings, in writing, of its ruling, order or decision, and shall provide a copy of its written order to all parties. In the event the matter contained in the complaint shall have been filed or made a part of case pending in any court in this state, the commission may then withhold the rendering or implementation of its order until the court action has been disposed of.

“(b) The commission is hereby authorized and empowered to issue subpoenas for the attendance of witnesses and the production of books and papers in cases where specific charges are pending, either at the instance of the commission or the accused. The process issued by the commission shall extend to all parts of the state, and such process shall be served by any person designated by the commission for such service or by mailing same by certified or registered mail. In the event any person serves such process, he shall receive such compensation as may be allowed by the commission, not to exceed the fee prescribed by law for similar services. Any witness who shall be subpoenaed and who shall appear in any proceedings before the commission shall receive fees as allowed by law and mileage and per diem allowances as allowed by the commission, the mileage and per diem not to exceed the mileage and per diem rates allowed by the state of Alabama to its employees, and all such fees, mileage and per diem payments shall be taxed against the party or parties subpoenaing the witness(es).

“(c) Where, in any proceedings before the commission, any witnesses shall fail or refuse to attend upon subpoena issued by the commission, shall refuse to testify or shall refuse to produce any books and papers as herein provided, the production of which is called for by the subpoena, the attendance of such witness and the giving of his testimony and the production of the books and papers shall be enforced by any circuit court of this state, in the same manner as the attendance and testimony of witnesses is enforced in civil cases in the courts of this state.

“(d) Any party to a contested case who deems himself aggrieved by a final decision and desires to do so, may file an application for rehearing specifying grounds for relief within 15 days of the order. An application for rehearing does not modify the effective date of the order and is appropriate only if the final order is:

“(1) In violation of constitutional or statutory provisions;

“(2) In excess of the statutory authority of the agency;

“(3) In violation of an agency rule;

“(4) Made upon unlawful procedure;

“(5) Affected by other error of law;

“(6) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

“(7) Unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

“Within 30 days from the filing of the application for rehearing

the commission shall enter an order setting a hearing date on the application, or shall enter an order without a hearing, or shall grant or deny the application. If the applicant is granted a rehearing, the commission will schedule a rehearing as soon as practicable. If the commission does not enter an order within 30 days from the filing of the application for rehearing, the application shall be deemed to have been denied following the expiration of the 30 day period.

“§ 34-27-38.

“Findings made by the commission are deemed conclusive unless within 30 days after notice of the decision of the commission has been given to an applicant or accused, said applicant or accused shall file a notice of appeal or review of said finding or ruling to the circuit court of Montgomery County, or of the county of his residence, if an Alabama resident, or, if a corporation registered in Alabama, of the county of registration or the county in which the corporation has its principal place of business in Alabama. Any party taking an appeal shall file a notice of appeal or review with the circuit court clerk of the appropriate county and shall post a satisfactory bond in the amount of \$200.00 with the clerk of the circuit court, with at least one solvent surety, conditioned to prosecute such appeal to effect and, upon failure to do so, to pay all costs and damages which may be adjudged against said party by the circuit court on such appeal. The clerk of the circuit court shall notify the executive director or assistant executive director of the commission of the appeal after the clerk has approved the appellant's bond, and the executive director and assistant executive director of the commission shall within 30 days of the notice of appeal or within such additional time as the court may allow, forward to the clerk of the circuit court the charge against the applicant or licensee the findings or rulings of the commission, and the original or a certified copy of the entire record and transcript of the proceedings to be reviewed. The action of the commission shall be stayed pending such appeal. In the event an appeal is taken by the applicant or the accused, such an appeal shall act as a supersedeas, and the court shall dispose of said appeal and enter its decision promptly.

“The petition for appeal or review shall be filed by the appealing party within 30 days after the notice of appeal or review is filed. Copies of the petition will be served upon the commission and all other parties to the hearing being appealed.

“The review of the hearing and the commission's findings and decisions shall be conducted by the court without a jury and shall be confined to the record and such additions as may be authorized by the Alabama Administrative Procedure Act. The court, upon request, shall hear oral argument and receive written briefs.

"The commission's findings and decisions and orders shall be taken as prima facie just and reasonable and the court shall not substitute its judgment for that of the commission as to the weight of the evidence on questions of fact, except where otherwise authorized by statute. The court shall have the right to affirm the commission action or remand the case to the commission for the taking of additional testimony and evidence or for further proceedings. The court shall have the right to reverse, affirm in part or reverse in part, or modify the findings of the commission, and shall render such final judgment as to the court may seem just and proper.

"In the event the decision of the commission is affirmed, in whole or in part, the cost of such appeal shall be taxed against the party taking such appeal. In the event the decision of the commission is not affirmed, the court shall tax such costs of appeal against the commission."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-517

S.J.R. 249—Senators Robertson, Bishop
and deGraffenried

SENATE JOINT RESOLUTION

URGING PRESIDENT REAGAN AND THE CONGRESS TO
EXPEDITE THE APPROPRIATIONS FOR REPLACEMENT OF
THE WILLIAM BACON OLIVER LOCK AND DAM ON THE
WARRIOR RIVER NEAR TUSCALOOSA, ALABAMA.

WHEREAS, as a part of the federal government's annual Energy and Water Appropriations bill, \$1.3 million is included for design of a facility to replace the old and undersized William Bacon Oliver Lock and Dam on the Warrior River near Tuscaloosa, Alabama, with construction of a \$125 million lock and dam to begin as early as 1986; and

WHEREAS, the 45-year-old present facility has become increasingly inadequate as river traffic continues to increase, thereby creating a bottleneck at the lock and causing interminable delay for river traffic; and

WHEREAS, not only is a replacement facility vitally necessary for the flow of river traffic but mandatory, as well, for a projected

massive increase in coal traffic to Mobile for export which will mean a boost in foreign trade to help revitalize Alabama's economy; and

WHEREAS, the construction of the proposed new lock and dam facility will pour millions of dollars into our economy and provide more than 600 new direct and secondary jobs; payrolls for a three-year period are anticipated to approach some \$27 million; and

WHEREAS, the number of jobs and economic impact dollars do not reflect a \$14.9 million expenditure for a planned hydropower plant which means of course that the abovementioned jobs and dollars of impact are greatly understated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most strongly urge President Reagan and the Congress, especially Alabama's Delegation, to expedite the appropriation proposals and other procedures necessary to hasten the onset of construction of the William Bacon Oliver Lock and Dam on the Warrior River at Tuscaloosa, Alabama.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to inform the President, the Congress and Alabama's Congressional Delegation, by copies of this resolution, of this urgent request of the Alabama Legislature.

RESOLVED FURTHER, That we also urge the Corps of Engineers to begin construction immediately upon approval and funding of said project and that they also be advised, by copy of this resolution, of the Legislature's desire.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-518

S.J.R. 225—Senator Boyington

SENATE JOINT RESOLUTION

COMMENDING MR. JOHN A. STANLEY, SR., OF CHICKASAW, ALABAMA, FOR OUTSTANDING SERVICE.

WHEREAS, it is with a sense of great pride that the Legislature of Alabama notes the numerous civic and charitable contributions made by Mr. John A. Stanley, Sr., of Chickasaw, Alabama; and

WHEREAS, Mr. Stanley is an honorary member of the Beta Sigma Phi, a Mason, a Shriner and an active member of the First Baptist Church of Chickasaw, Alabama; and

WHEREAS, born on February 28, 1905, in Wayne County, Mis-

issippi, he moved with his family in 1940 to Alabama where he continued his eleemosynary activities; and

WHEREAS, in both length and quality of service, John Allin Stanley, Sr., has indeed contributed greatly to the betterment of the state, the county and the community; he has served with dedication, giving generously of himself, and in so doing has earned the love and respect of the community; and

WHEREAS, Mr. Stanley is most particularly held in affection and esteem for his voluntary portrayal of "Santa Claus" for the past sixty consecutive years, endearing himself to the community and to thousands of youngsters and senior citizens in Chickasaw and North Mobile County through these many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend one of our state's most outstanding citizens, Mr. John A. Stanley, Sr., of Chickasaw, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Stanley with a copy also provided for his family that they may all know of our warm praise and regard.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-519

S.J.R. 180—Senator Hilliard

SENATE JOINT RESOLUTION

COMMENDING MRS. GLORIA GARY FOR OUTSTANDING SERVICE TO THE STUDENTS OF SCOTT ELEMENTARY SCHOOL IN PRATT CITY.

WHEREAS, Mrs. Gloria Gary has served for the past 17 years as a school crossing guard at Scott Elementary School in Pratt City; and

WHEREAS, a graduate of the Birmingham Police Academy's school crossing guard class in 1965, Mrs. Gary recently received an award as the best-dressed crossing guard and was presented also with a pin denoting her 17 years of dedicated service; and

WHEREAS, it is further to be most commendably noted that during her 17 years of duty at Scott Elementary School, not a single incident of injury to a student has occurred; and

WHEREAS, on two occasions, however, Mrs. Gary has rendered first aid to adults who were injured as a result of collisions at the

busy intersection of Hibernia Street and U. S. 78, where she is stationed; and

WHEREAS, in addition to her crossing guard duties and responsibilities, Mrs. Gary, a widow, has also raised five children and at one time cared for her mother during an illness; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Gloria Gary for outstanding service to the students of Scott Elementary School in Pratt City; we further express our appreciation for her dedication to duty and for her concern for the safety and well-being of the youngsters in her charge.

BE IT FURTHER RESOLVED, That Mrs. Gary receive a copy of this resolution, tendered in sincere warm praise and highest regard.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-520

S.J.R. 179—Senator Little

SENATE JOINT RESOLUTION

NAMING A PORTION OF HIGHWAY 50 "THE REVEREND JAMES ARTER SMITH HIGHWAY."

WHEREAS, the Reverend James Arter Smith was a devoted community builder who served his people of Tallapoosa County with great love and dedication; and

WHEREAS, the Reverend James Arter Smith was a true Southern gentleman whose advice and counsel was sought by people in all walks of life; he was of a kindly disposition and devoted his life to the betterment of mankind; and

WHEREAS, The Reverend James Arter Smith served his neighbors and state as a whole as a member of the Alabama Legislature from 1896 to 1898; and

WHEREAS, the Reverend James Arter Smith exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowmen. He gained the respect and affection of all who knew him, whether friend or mere acquaintance; and

WHEREAS, a recital of his many accomplishments would be incomplete without the inclusion of the many contributions which the Reverend James Arter Smith made to the hundreds of his fol-

lowers whose lives were influenced by his teaching and wise counsel, and who will long remember his many personal kindnesses and quiet understanding; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Alabama State Highway 50 from the bridge just below Martin Dam to the intersection of Highway 49 at Walnut Hill be designated "The Reverend James Arter Smith Highway" and appropriate markers be erected and maintained so designating said highway.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Reverend James Arter Smith's family so that they may know of our sentiments.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-521

S. 109—Senators Keener and Dixon

AN ACT

To provide for the protection of state employees, agents, or servants for certain wrongful acts or omissions committed while in the performance of their official duties in the line and scope of their employment through the purchase of liability insurance or through the self-insurance of the several state departments, agencies, boards or commissions; to provide a procedure for the notification of the State Attorney General of suits against state employees for acts committed in the performance of their official duties in the line and scope of their employment; and to provide that the costs of such liability insurance or self-insurance shall be paid from funds appropriated to the several departments, agencies, boards or commissions for operation.

Be It Enacted by the Legislature of Alabama:

Section 1. The various state agencies, departments, boards or commissions shall determine and report their needs for liability coverage to the Finance Director, the Insurance Commissioners, and the Attorney General. The Finance Director with the advice of the Insurance Commissioner and Attorney General, shall then determine the type of blanket policy needed to provide basic coverage for deaths, injuries, or damages arising out of the negligent or wrongful acts or omissions committed by state employees or agents of the state while in the performance of their official duties in the line and scope of their employment. Any policy of insurance or reinsurance shall be selected by the Finance Director on a competitive bid basis for an initial period of three years with a provision for annual review beginning October 1, 1987.

Section 2. The Finance Director, with the advice of the Insurance Commissioner and the Attorney General, may provide for

self-insurance of the entire state or any part of the state under such terms and conditions as the Finance Director shall determine. Any funds appropriated for the purpose of self-insurance and paid into a special trust account under the provisions of this act shall not revert to the State Treasury at the end of a fiscal year, but may be carried over from year to year provided such funds are not used for any other purpose.

Section 3. In any action brought in the courts of the State of Alabama or United States wherein a plaintiff seeks damages arising out of the negligent or wrongful acts or omissions committed by state employees or agents of the state while in the performance of their official duties in the line and scope of their employment, the plaintiff shall cause the Attorney General of the State of Alabama to be served with a copy of the suit against the employee, agent or servant of the board, agency, commission or department.

Section 4. The charges or costs of the liability insurance or self-insurance provided under the provision of this act shall be paid from the funds appropriated for the operation of the several state departments, agencies, boards, or commissions. The Finance Director may apportion the costs or charges to the several state departments, agencies, boards or commissions in order to cover the risk involved.

Section 5. The provisions of this act shall not apply to any educational institution or board in this state.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective October 1, 1984.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-522

S. 38—Senator Smith (J)

AN ACT

To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. Chapter 41 of Title 27, Alabama Insurance Code, is hereby amended to add a new section 27-41-34A, which shall read as follows:

“27-41-34A. Same - Oil and gas producing properties and facilities.

“(1) An insurer may invest in properties and facilities, and any interest and rights in such properties and facilities, for the development and production of fossil or synthetic fuel or other minerals, whether or not the extraction would deplete the surface of such properties, including, but not limited to, investments relating to:

“(a) The exploration for and development and production of such fuel and minerals and

“(b) Ownership and control of such property, facilities, interest, and rights.

“(2) An insurer shall not have at any one time any single investment or combination of investments permitted under subsection (1) of this section aggregating in cost to the insurer in excess of five percent (5%) of the amount by which the admitted assets of such insurer exceed \$100,000,000 (excluding in the computation of assets investments permitted under subsection (1) above).”

Section 2. This Act shall become effective immediately upon its passage by the legislature and its approval by the governor or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-523

H.J.R. 404—Reps. Kennedy, Buskey,
Clark, Kvalheim,
Harper, Gaston, Clikas,
Zoghby, Turner, Drake,
Adams, Albright,
Ashley, Bennett,
Biddle, Blake,
Blakeney, Boles,
Bowling, Box,
Brakefield, Brooks,
Browder, Bryant,
Butler, Campbell,
Carothers, Carter,

Casey, Coburn,
 Coleman, Cosby, Crow,
 Davis, Drinkard,
 Dutton, Escott, Faulk,
 Flowers, Ford,
 Freeman, Goodwin,
 Grimsley, Grouby, Hall,
 Hammett, Harvey,
 Hettinger, Holley,
 Holmes, Horn, Howard,
 Johnson (A.L.),
 Johnson (R.G.),
 Johnson (Roy), Junkins,
 Laird, Langford,
 Lauderdale, Layton,
 Lewis, McKee,
 McMillian, Manley,
 Martin, Mathis, Melton,
 Minus, Mitchell, Moore,
 Murphy, Nevett,
 Newman, Nicholson,
 Owens, Parker, Payne,
 Penry, Poole, Preuitt,
 Rains, Reed, Rice,
 Richardson, Rogers,
 Sasser, Scott, Seibels,
 Smith, Starkey, Starr,
 Stout, Thomas,
 Thornton, Trammell,
 Tucker, Turnham,
 Venable, Waggoner,
 Warren, White (F.),
 White (L.), Williams,
 Wilson, Wright

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. CLAUDETTE CLEEK BOX.

WHEREAS, the Legislature of Alabama grievously notes the death of Mrs. Claudette Cleek Box of Mobile, Alabama, on June 8, 1983; and

WHEREAS, Mrs. Box, who was a native and lifelong resident of Mobile County, was a Registered Nurse and held both the B.S. degree, and a Master's degree in psychology; and

WHEREAS, after having practiced for some time as a nurse, Mrs. Box resumed her education to study psychology and criminal justice, interning with the youth center where she worked with juveniles; and

WHEREAS, Mrs. Box later worked at Searcy Hospital as unit director for the ward, which housed the elderly mentally ill persons, continuing to update and increase services for these elderly patients at Searcy; and

WHEREAS, Mrs. Box's primary interest was in people and, most particularly, those who were in need of help, and for whom she provided the very best possible care; and

WHEREAS, as a loving person who lived to serve others, Mrs. Box was loved in return and her death has left a deep void in the lives and hearts of her family, many friends and the patients she tended with compassion and care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Claudette Cleek Box of Mobile, Alabama, and extend our very deepest sympathy to her husband, Dr. William A. Box, her mother and brother, Mrs. Helen Cleek and Mr. Ed Cleek, and other family members whose sorrow we truly share and to whom a copy of this resolution shall be sent.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-524

H.J.R. 405—Reps. Campbell, Crow,
Browder

HOUSE JOINT RESOLUTION

DESIGNATING THE WEEK OF OCTOBER 3-7, 1983, AS
"CALHOUN COUNTY INDUSTRY WEEK."

WHEREAS, the Legislature of Alabama recognizes the many contributions that the industries of Calhoun County have made not only to the economy of both Calhoun County and the State of Alabama, but also to the people in gifts of time and talent to promote community progress; and

WHEREAS, it is with enthusiasm that we endorse the 8th annual "Industry on Parade" exhibition sponsored by the Calhoun County Chamber of Commerce, to be held at Quintard Mall, October 3-7, 1983; and

WHEREAS, we salute the joint enthusiasm of 59 industries and the Calhoun County Chamber of Commerce in their effort to enhance community awareness and appreciation for the diversity and impact of Calhoun County's industrial base; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in praise, we hereby designate the week of October 3-7, 1983, as "Calhoun County Industry Week" to honor and give distinction to such industries.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Calhoun County Chamber of Commerce and to each of the participating industries as evidence of our enthusiastic endorsement of their "Industry on Parade."

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-525

H.J.R. 406—Reps. Wilson, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson, (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird,

Langford,
 Lauderdale, Layton,
 Lewis, McKee,
 McMillan, Manley,
 Martin, Mathis,
 Melton, Minus,
 Mitchell, Moore,
 Murphy, Nevett,
 Newman, Nicholson,
 Owens, Parker,
 Payne, Penry, Poole,
 Preuitt, Rains, Reed,
 Rice, Richardson,
 Rogers, Sasser, Scott,
 Seibels, Smith,
 Starkey, Starr, Stout,
 Thomas, Thornton,
 Trammell, Tucker,
 Turner, Turnham,
 Venable, Waggoner,
 Warren, White (F),
 White (L), Williams,
 Wright, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. WILLIAM GUNTER O'REAR OF MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama has been grievously saddened by the death of William Gunter O'Rear of Montgomery, Alabama, on July 3, 1983, at the age of just 57 years; and

WHEREAS, a longtime resident of Montgomery and a United States Navy veteran of World War II, Mr. O'Rear attended Marion Institute and Amhurst College and was a 1950 graduate of the University of Alabama's School of Law; and

WHEREAS, Mr. O'Rear retired from state government in 1979, following a career of some 30 years with the Department of Conservation and Natural Resources, the last 20 years as Chief Legal Counsel; and

WHEREAS, serving as former assistants to Mr. O'Rear during his tenure as chief of the department's legal division were Judges Robert Bradley, John Tyson and Joseph Phelps; and

WHEREAS, Mr. O'Rear, who entered the private practice of law in 1979, served for a brief period as acting director of the State Environmental Improvement Agency by appointment of Governor

Fob James; and

WHEREAS, a member of both the Montgomery and Alabama Bar Associations, Mr. O'Rear was an acknowledged expert in the field of oil and gas law, and was a member of the Oil and Gas Interstate Compact Commission; and

WHEREAS, Mr. O'Rear extended his involvements to include active participation in a number of community affairs and was a member of the board of directors of Trinity School and of the Board of Deacons of Trinity Presbyterian Church; and

WHEREAS, the death of William G. O'Rear has left a deep void in his community, and in the lives of all those privileged to know him as a man of highest integrity and of deep compassion and concern for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn, we give thanks for the life of William Gunter O'Rear of Montgomery, Alabama; we further extend our very deepest sympathy to his wife, Mrs. Jane Johnson O'Rear, their daughter, Hayden B. O'Rear, and son, William G. O'Rear, Jr., to whom a copy of this resolution shall be sent in expression of our shared sorrow in their great loss.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-526

H.J.R. 408—Rep. Minus

HOUSE JOINT RESOLUTION

COMMENDING MR. JAMES FRANKLIN OZMENT FOR OUTSTANDING LEADERSHIP.

WHEREAS, Mr. James Franklin Ozment in Livingston, Alabama, is a 1981 graduate of Sumter Academy where he excelled in academics, in extra curricular activities and in school leadership; and

WHEREAS, Mr. Ozment is currently attending Birmingham-Southern College where he has continued his participation and leadership in campus affairs and in the community as well; and

WHEREAS, his activities on campus include membership on numerous committees and charitable drives; and

WHEREAS, Mr. Ozment has been most active with the Interfraternity Council; with the College Student Government Associa-

tion as freshman Representative; and is an active member of the Kappa Alpha Order; and

WHEREAS, Mr. Ozment's achievements include having served as editor of the College newspaper in his sophomore year and having been on the Dean's List for the majority of his college career; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. James Franklin Ozment of Livingston, Alabama, for outstanding achievement and for distinguished service to Birmingham-Southern College and to the community of Sumter County in his role as Reporter and Acting Editor for both County newspapers.

BE IT FURTHER RESOLVED, That Mr. Ozment receive a copy of this resolution that he may be aware of our sincere warm praise and regard.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-527

H.J.R. 415—Reps. Cosby, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell,

Moore, Murphy, Nevett,
 Newman, Nicholson, Owens,
 Parker, Payne, Penry, Poole,
 Preuitt, Rains, Reed, Rice,
 Richardson, Rogers, Sasser,
 Scott, Seibels, Smith, Starkey,
 Starr, Stout, Thomas,
 Thornton, Trammell, Tucker,
 Turner, Turnham, Venable,
 Waggoner, Warren, White
 (F.), White (L.), Williams,
 Wilson, Wright, Zoghby

HOUSE JOINT RESOLUTION

CONGRATULATING MR. JOSEPH WALTON GREEN, JR.,
 OF SELMA, ALABAMA, ON THE OCCASION OF HIS 100th
 BIRTHDAY.

WHEREAS, the Legislature of Alabama notes with pleasure the
 100th birthday, on April 28, 1983, of Mr. Joseph Walton Green, Jr.,
 of Selma, Alabama; and

WHEREAS, Mr. Green, who was born April 28, 1883, in Shelby
 County, Alabama, has been a resident of Selma since 1894; he is the
 son of Joseph Walton Green who was a four-term member of the
 Alabama House of Representatives during the early 1900's; and

WHEREAS, he is the widower of the late Mrs. Evelyn Kincey
 Green to whom he was married in 1901, and for 74 years until her
 death; and

WHEREAS, "Papa Green," as he is widely and affectionately
 known, is the patriarch of a family which has included seven chil-
 dren, 16 grandchildren, 37 great grandchildren and, at last count, 14
 great-great grandchildren, all of whose interests and activities have
 been "Papa's" hobbies throughout the years; and

WHEREAS, Mr. Green has long been involved with community
 affairs but has served, most particularly, through his church; he has
 been an active member of Church Street Methodist Church since
 the age of eight and currently is Honorary Steward of the official
 board, having served previously as financial secretary and co-chair-
 man of the Board of Stewards; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
 BOTH HOUSES THEREOF CONCURRING, That we join with
 the family and friends of Mr. Joseph Walton Green, Jr., of Selma,
 Alabama, in extending heartiest congratulations on his 100th birth-
 day and direct that he and other family members receive copies of

this resolution in token of our sincere regard and warm best wishes for many more years of good health and happiness.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-528

H.J.R. 416—Reps. McMillan, Penry

HOUSE JOINT RESOLUTION

NAMING THE NEW DISTRICT 8 HEADQUARTERS BUILDING OF THE ALABAMA FORESTRY COMMISSION IN BALDWIN COUNTY, ALABAMA, THE "EMANUEL DAVIDSON BUILDING."

WHEREAS, Mr. Emanuel Davidson is a native of the Pine Grove Community of Baldwin County, Alabama; and

WHEREAS, Mr. Davidson, a veteran of World War I and a retired banker, has long been active in community, business and veteran affairs; and

WHEREAS, Mr. Davidson has also demonstrated, through involvement, his interest in forestry and related industries, and most particularly in naval stores and in management and improvement of the forest products industry; and

WHEREAS, Mr. Davidson has further evidenced his interest and support of the forestry industry through the donation of five acres of land, the site of the new District 8 Headquarters building for the Alabama Forestry Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the numerous contributions of Mr. Emanuel Davidson to forestry and related industries, and in deep gratitude for his generosity, we hereby name and designate the new District 8 Headquarters building of the Alabama Forestry Commission, in Baldwin County, Alabama, the "Emanuel Davidson Building."

BE IT FURTHER RESOLVED, That the proper authorities shall erect and maintain appropriate signs and markers so designating said building as the "Emanuel Davidson Building."

RESOLVED FURTHER, That a copy of this resolution shall be provided for Mr. Davidson, in token of our highest regard and as a memento of this honorary designation of the Legislature.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-529

H.J.R. 407—Rep. Minus

HOUSE JOINT RESOLUTION

COMMENDING MRS. LADDI JONES FOR OUTSTANDING LEADERSHIP.

WHEREAS, Mrs. Laddi Jones is a 1944 graduate of Eatman High School, where she graduated second in a class of 575 students and excelled in extra curricular activities and in school leadership; and

WHEREAS, Mrs. Jones continued her education at Auburn University and the University of Kentucky where she continued her participation and leadership in campus affairs and in the community as well; and

WHEREAS, her activities on campus included membership on numerous committees and charitable drives, and in organizations such as the Auburn Knights and the UK Volunteers for a Better Kentucky; and

WHEREAS, Mrs. Jones, during her residence in Sumter County, has received several civic awards, including having been named Citizen of the Year in 1981 by the Livingston Police Department and having been awarded a Certificate of Appreciation from the Alabama Special Olympics, Inc., for the years 1981-82 for her efforts to assist the program; and

WHEREAS, Mrs. Jones served her community as Youth Chairman of the City of Livingston Sesquicentennial, and as co-publicity chairman of the Sumter County Sesquicentennial Committee; and

WHEREAS, Mrs. Jones' past contributions to her society include having been a volunteer worker in the American Red Cross, Genesis II, Freedom House and the Crisis Center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Laddi Jones of Livingston, Alabama, for outstanding achievement and for distinguished service to the community in which she lives.

BE IT FURTHER RESOLVED, That Mrs. Jones receive a copy of this resolution that she may be aware of our sincere warm praise and regard.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-530

H. 527—Rep. Coburn

AN ACT

Relating to Colbert County; to provide for the creation of a Public Corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the County; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special, or local, in conflict with the provisions of the act.

Be It Enacted by Legislature of Alabama:

SECTION 1. This shall apply only in Colbert County.

SECTION 2. The following words and terms, as used in this act, shall have the meanings hereby ascribed to them: "the County" means Colbert County to which this act applies; "the Bureau" means the public corporation for which this act provides; "the Board" means the Board of Directors of the Authority for which this act provides; "the Chamber of Commerce" means the Colbert County Chamber of Commerce in which any reputable person engaged in mercantile, manufacturing, banking, jobbing, or any other business, profession, trade, practice, service, or any and all enterprises that contributes to the economy of an area is eligible to hold membership; "person" means a natural person, corporation, partnership, association or other entity; "Hotel-Motel Division" means that specific division of the Chamber of Commerce dedicated to furthering the business activity of that business, individually and collectively that are members of the Chamber of Commerce of Colbert County, of which is composed of persons engaged in the hotel, motel, tourist court or similar business in any city in Colbert County.

SECTION 3. There is hereby established in the County a public corporation for the purposes herein specified, which corporation shall be vested with the powers conferred upon it by this act. The said public corporation is at times hereinafter referred to as "the Bureau."

Subject to the conditions and qualifications hereinafter stated, the name of the said corporation shall be the Colbert County Convention and Visitors Bureau.

SECTION 4. The Bureau shall be authorized and empowered to construct programs, including but not limited to programs of information and publicity designed to attract conventions and tour-

ist to all of Colbert County. The bureau shall be authorized to conduct such programs in Alabama and elsewhere, and to expend its funds in the furtherance of such programs in Alabama and elsewhere.

The Bureau may enter into contracts with any person, firm, corporation or association to carry out the purposes set forth in this act. No contract entered into by the Authority shall bind the State or any county or municipality of the State.

The Bureau shall have the power (a) to sue and be sued; (b) to acquire property and rights of interest, in property by gift, lease, or purchase; (c) to appoint officers, agents, employees and attorneys, and to fix their compensation; (d) to have a seal and alter the same at pleasure; (e) to make by-laws for the management and regulation of its affairs; (f) to make contracts, and to execute all instruments necessary or convenient to lease or purchase and own real or personal property to be used for the furtherance of the purposes for the accomplishment of which said Authority is created; (g) to accept or receive gifts, bequests and devices; (h) to borrow money and execute notes and other evidence of indebtedness which may be required by the lender, and pledge anticipated revenue or income to secure payment of any such loan; and (i) to do all things necessary or convenient to carry out the powers expressly given herein.

For the aforesaid purposes the Bureau shall be authorized to use and apply the proceeds of any taxes which the Legislature provides which shall be payable to the Bureau; for the promotion of all of Colbert County as a Convention Center and all such places located in Colbert County, Alabama, from time to time that offers to visitors and tourists something of interest.

SECTION 5. The affairs of the Bureau shall be managed by a Board of Directors, herein called "the Board", which shall consist of seven (7) members as follows: three (3) members first appointed from the general membership of the Colbert County Chamber of Commerce by the President of the Chamber of Commerce of Colbert County for staggered terms of office as follows: one (1) member will serve a term of three (3) years, one (1) member will serve a term of two (2) years, one (1) member will serve a term of one (1) year. The additional four (4) member positions of the Board will be filled by: 1: The Chairman of the Colbert County Commission, this term of office on the Board will expire when the term of office as County Commission Chairman expires; 2: One (1) member position of the Board will be filled by an appointment made by the members of the City Commission of Muscle Shoals Alabama. This term of office is for a period of one year; 3: One (1) member position of the Board will be filled by an appointment made by the City Commission of

Sheffield, Alabama. This term of office is for a period of one year; 4: One (1) member position of the board will be filled by an appointment made by the City Commission of Tuscumbia, Alabama. This term of office is for a period of one (1) year.

The provisions set forth below shall govern the filling of any vacancy occurring in any one or more of the seven directorships. A directorship shall be deemed to be vacant in the event that any person designated as a director, as provided above, for any reason fails to attend three (3) monthly Board meetings in succession. In the event a vacancy in the directorship occurs, such vacancy shall be filled by the President of the Colbert County Chamber of Commerce appointing a member of that body that is in good standing and desires to serve the Board.

The members of the Board shall serve without compensation but may be reimbursed for actual expenses incurred in the performance of their duties for the Bureau.

SECTION 6. The power of the Bureau shall be vested in and exercised by the Board subject to the provisions of this act.

The Board shall be authorized to employ agents, employees, officers, consultants, attorneys and to secure such services and assistance as the Board deems necessary to enable it to conduct, and engage in the activities and purposes for which this Bureau is created. The Board is authorized by this Act to delegate the management of all programs of the Bureau to the sole responsibility of the Colbert County Chamber of Commerce, its management and staff.

The Board may delegate to one or more of its members, employees, agents or officers, such duties as it deems proper.

The Board shall elect a Chairman and a Vice Chairman of said Board. The Vice Chairman shall serve as Chairman in the event of the Chairman's absence. The Board shall also elect a Treasurer, and a Secretary.

The Board shall provide by resolution for the dates on which the Chairman, Vice Chairman, Treasurer, and Secretary shall be elected, which resolution shall specify the term or period for which each of the officers last named shall serve.

The Treasurer shall act as custodian of all funds from whatever sources derived received by such officer.

The Treasurer of the Bureau shall execute a fidelity bond with a company authorized to write such bonds in the State of Alabama being surety thereon, which bond shall be in an amount approved by the Board.

Contracts of the Bureau shall be executed in the name of the

Bureau by the Chairman of the Board and attested by the Secretary of the Bureau, and the Executive Director of the Bureau/Colbert County Chamber of Commerce as the person employed in this position with the Chamber shall also be employed as the Executive Director of the Bureau. In no event shall a contract, irrespective of its form and of the persons executing the same, be binding unless such contract was authorized or ratified by the Board.

SECTION 7. All laws or parts of laws, whether general, special or local, in conflict with the provisions of this Act, are hereby repealed to the extent of such conflict.

SECTION 8. The provisions of this act are severable, if any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

SECTION 9. This act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved July 18, 1983

Time: 2:15 P.M.

Act No. 83-531

H. 528—Rep. Coburn

AN ACT

Relating to Colbert County; to levy a privilege or license tax on persons, corporations, partnerships, firms, associations, and other entities engaged in the business of renting or furnishing rooms, lodgings, or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are rented or furnished for a consideration; to provide the amount or rate of the aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collection and enforcing the said taxes; to provide that the Director of Revenue of the County shall collect the taxes levied by this act; and administer and enforce this act; to provide that the said Director of Revenue shall pay all of the proceeds of the taxes, to the Convention and Visitors Authority of Colbert County created by that certain act adopted by the 1983 Alabama State Legislature, which provides for a Convention and Visitors Bureau in Colbert County to set forth.

Be It Enacted by the Legislature of Alabama:

SECTION 1. This Act shall apply only in Colbert County.

SECTION 2. As used herein, the words and terms defined in this Section 2 shall have the meanings hereby ascribed to them. "County" means Colbert County. The term "effective date of the act" means the first day of the calendar month next following the calendar month in which this Act is adopted.

SECTION 3. (a) The taxes levied by this act shall become effective, or go into effect, on the first day of the calendar month

next following the calendar month in which this act is adopted.

(b) Commencing on the effective date of the taxes, as specified in subsection (a), above, in addition to all other taxes imposed by law, there is hereby levied and shall be collected by the Director of Revenue as herein provided a privilege or license tax in the amount hereinafter prescribed against every person engaged in the County in the business of renting or furnishing any room or rooms, lodging or accommodations, to any transients in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration. The Director of Revenue shall pay to the Colbert County Convention and Visitors Authority of Colbert County as created under the Act adopted by the 1983 Alabama State Legislature, providing for a convention and visitor authority in Colbert County all of the proceeds of the said tax. The amount of tax shall equal to two percent (2%) of the charge for such rooms, lodgings or accommodations, including the charge for use or rental of personal property and services furnished in such room or rooms.

There are exempted from the provisions of the tax levied by this Section 3 and from the computation of the amount of the tax levied or payable hereunder the following: charges for property sold or services furnished which are required to be included in the tax levied by Act No. 100 of the Second Special Session of 1959 of the Legislature of Alabama (Ala. Acts 1959, page 298 et. seq.) as amended, said Act being commonly referred to as the State Sales Tax Act; charges for the rental of rooms, lodgings or accommodations furnished by any hospital, nursing home, convalescent home or by any charitable or eleemosynary institution; charges for the rental of rooms, lodgings, or accommodations to persons for a period of thirty (30) continuous days or more. The exemption hereby provided shall apply to any property sold or services furnished which are required to be included in any sales tax now or hereafter levied by the State of Alabama.

(c) The taxes levied by this Section 3, except as otherwise provided herein, shall be due and payable on or before the 20th day of the month next succeeding the month in which the tax accrues. On or before the 20th day of each month after the effective date of the taxes every person on whom the tax is levied by this Section 3 shall render to the Director of Revenue on a form prescribed by him, a true and correct statement showing the gross proceeds of the business subject to the said tax for the then preceding month, together with such other information as the Director of Revenue may demand and require; and at the time of making such monthly report the tax payer shall compute and pay to the Director of Revenue the amount of taxes shown to be due.

(d) It shall be the duty of every person engaged or continuing in any business subject to the taxes levied by this Section 3 to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this act. Such records shall be kept and preserved for a period of five (5) years and shall be open for examination at any time by the Director of Revenue or by any duly authorized agent, deputy or employee of the said Director.

(e) Any person who fails to pay the tax levied by this Section 3 within the time required by this act shall pay in addition to the tax a penalty of ten percent (10%) of the amount of tax due, together with interest thereon at the rate of one-half of one percent ($\frac{1}{2}$ of 1%) per month or fraction thereof from the date on which the tax became due and payable, such penalty and interest to be assessed and collected as a part of the tax.

SECTION 4. The failure of any person to pay any tax levied by this act within the time specified for the payment of the same by the act shall constitute a misdemeanor; and the violation of any of the provisions of this act by any person shall constitute a misdemeanor. Any person violating any provisions of this act shall upon conviction be punished by fine of not more than five hundred dollars (\$500) and may also be sentenced to hard labor for the County for not exceeding six (6) months, either or both, unless a different punishment is prescribed herein.

SECTION 5. None of the provisions of this act shall be applied in such manner as to violate the commerce clause or other clauses of the Federal Constitution or any clause of the Constitution of Alabama. Should any provision of this act be held invalid, the invalidity thereof shall not affect the remaining provisions of the act.

SECTION 6. All laws and parts of laws, whether general, special or local, in conflict with the provisions of this act are hereby repealed to the extent of such conflict; provided however, it is not intended by the provisions of this section to repeal or affect in any way the privilege or license tax levied by any of the following Acts: Act No. 248 of the Regular Session of the Legislature of Alabama of 1955 (Ala. Act 1955, p. 586), as amended by Act No. 269 of the Regular Session of the Legislature of Alabama of 1963, (Ala. Acts 1963, p. 715), and Act No. 528 of the 1979 Regular Session of the Legislature of Alabama; nor is it intended for this act to repeal any existing local municipal lodging tax so levied by any municipality in Colbert County, Alabama.

SECTION 7. The provisions of this act are severable. If any